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BCC MINUTES
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SANTA FE COUNTY

BOARD OF COUNTY COMMISSIONERS

REGULAR MEETING

January 11, 2011

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

SANTA FE COUNTY
REGULAR MEETING
BOARD OF COUNTY COMMISSIONERS

January 11, 2011

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

Following the Pledge of Allegiance led by Paula Sanchez and State Pledge led by Cassandra Purdy, roll was called by Deputy County Clerk Vicki Trujillo 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]

Commissioner Vigil: Ladies and gentlemen, the distinguishing feature of this meeting is that we are now a new Commission. I'd like to take this opportunity before we start the meeting to welcome Commissioner Robert Anaya and Commissioner Dan Mayfield.

V. INVOCATION

An invocation was given by John Michael Salazar from the Land Use Department.

VI. APPROVAL OF THE AGENDA

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- B. Tabled or Withdrawn Items**

Commissioner Vigil: Ms. Miller, are there any changes?

KATHERINE MILLER (County Manager): Madam Chair, yes there is. On

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page 3, under executive session we added contract negotiations under the procurement code as an amendment. Then also under item XV. Public Hearings, we've changed the order of the cases, moving up the Rob Turner variance case up to item 2 and moving the Mine Shaft Tavern case down to number 4. So we just switched to order of those, 2 and 4. And then item 5 is tabled.

CHAIR VIGIL: Okay.

COMMISSIONER HOLIAN: I move for approval with amendments.

Commissioner Vigil: Is there a second?

COMMISSIONER STEFANICS: I'll second.

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

VII. APPROVAL OF CONSENT CALENDAR

A. Consent Calendar Withdrawals

COMMISSIONER STEFANICS: Madam Chair, I believe that XII. B. 4, I didn't have any materials in my packet, so I'd like to withdraw that until we get it for discussion.

CHAIR VIGIL: Okay. Are there any other withdrawals?

COMMISSIONER ANAYA: Madam Chair.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, a Consent item, item A. 1, I would just like to reflect that I would abstain from that vote since I wasn't part of the decision on that item. I'd also like to pull items VII. B. 1, 2, and 3 for just some brief questions.

CHAIR VIGIL: What we'll do on, Commissioner Anaya, on item VII. A. is we'll withdraw that and take an independent vote. And what are the other items?

COMMISSIONER ANAYA: B. 1, 2, and 3.

CHAIR VIGIL: Okay. That means that we don't need a motion on the Consent Calendar because we'll be considering every item.

VIII. APPROVAL OF MINUTES

A. Approval of Addendum page for October 12, 2010 BCC minutes

COMMISSIONER STEFANICS: Madam Chair, I'll move for approval of the addendum page for October 12, 2010 BCC minutes.

COMMISSIONER HOLIAN: Second.

CHAIR VIGIL: Are there any questions?

COMMISSIONER ANAYA: Madam Chair, one abstention, just because I

wasn't a part of that meeting, so I would just abstain.

COMMISSIONER MAYFIELD: Madam Chair, I also would abstain from that vote.

CHAIR VIGIL: Do you want to make a statement about abstentions, Steve Ross?

STEVE ROSS (County Attorney): Madam Chair, how do you mean? If someone abstains from a vote, just simply doesn't vote on the matter, for whatever personal reasons are at issue.

CHAIR VIGIL: And in some cases, Commissioner Anaya, I will just state, in some of the joint authorities that we have the rules specify that if you aren't there then you probably should abstain but that isn't necessarily the case with the Board of County Commission. It certainly is your personal privilege though. And then move in that manner.

The motion passed by unanimous [3-0] voice vote. [Commissioners Anaya and Mayfield abstained from voting.]

VIII. B. Approval of November 30, 2020 BCC Minutes

COMMISSIONER HOLIAN: Madam Chair, I move for approval of the November 30, 2010 minutes of the BCC.

COMMISSIONER STEFANICS: Second.

CHAIR VIGIL: Motion and seconded.

The motion passed by unanimous [3-0] voice vote. [Commissioners Anaya and Mayfield abstained from voting.]

IX. SPECIAL PRESENTATIONS

A. Recognition of Inaugural Committee for the Planning, Organizing and Coordination of the Santa Fe County 2011 Inaugural Ceremony. (Commissioner Vigil)

CHAIR VIGIL: I'm not sure everybody is here to receive the special presentation. This is my particular item. I asked staff to come forward with certificates. This is going to be my sixth inaugural that I've been a participant at, or sixth year, rather, that I've been a Commissioner, and every year that staff comes together to put an inauguration together they really work Saturdays and they certainly did this time and they work a lot of overtime to get the inauguration going, and we do it not only for Commissioners but for other elected officials throughout the County. I know staff worked very hard to make the inauguration as successful as it was. There were many comments with regard to how well those inaugurations are conducted

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and none of that can happen without the work that staff puts behind it.

So with that I have some certificates of recognition and there's quite a few. I think you'll recognize that when an event such as this is undertaken there's quite a few heads and worker bees behind it, and with that, I'm going to go ahead and start by recognizing Julia Valdez, Victoria Trujillo, Tina Salazar, Lisa Roybal, Kristine Mihelcic, Ish Lovato, Jennifer Jaramillo, Ambra Garcia, Valerie Espinoza, Penny Ellis-Green, Carol Armijo, Jason Dixon, Frank Jaramillo, Carlos Cisneros, Jaspas Roybal, Andres Garcia, Patricia Cordova, Sam Romero, Jerome Blea, Rita Maes, Cassandra Purdy, and Anthony Gallegos.

COMMISSIONER ANAYA: I just wanted to thank all the people that were here and not here that helped put the inauguration together. It's a memory I'll not soon forget. So thank you very much to all of you.

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR VIGIL: Commissioner Mayfield.

COMMISSIONER MAYFIELD: I'd also like to thank staff very much. It was a very fulfilling experience for myself and my family. It was a very humbling experience. I look forward to working with each and every one of you. I know there were a lot of participants who I may personally not have recognized and I want to thank them. Also the National Guard made it a very special experience for myself and I'd like to thank them also.

CHAIR VIGIL: And I do believe that those who aren't here today will be receiving a thank you card. So thank you.

X. MATTERS OF PUBLIC CONCERN –NON-ACTION ITEMS

CHAIR VIGIL: We are now under Matters of Public Concern. These are non-action items and these are for the public to come before the Commission, if what you need to address the Commission with is not an item on the agenda. Is there anyone from the public? Not seeing any, we'll move on to the next item.

XI. MATTERS FROM THE COMMISSION

CHAIR VIGIL: I'll start with you, Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Madam Chair. This month the NCRTD is not meeting and after we determine assignments later today then we can have a report in February at some time.

Another matter that came to my attention was that some residents or constituents and myself met with a member of Land Use, and we already have a mistake on one of our maps in the Growth Management Plan, including a road through a federally protected ruin. So it's been brought to the attention and we'll probably throughout the year collect little items like

that that might have to be corrected all at one time. So I just want to bring that to everyone's attention.

Probably the last thing is I hope all of our employees had a great holiday season and that people had a chance to rest, recuperate, and charge into 2011.

CHAIR VIGIL: Thank you. Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, if you would indulge me I would like to make a few remarks first and then I have a few items. First and foremost I want to wish my mom a happy birthday today. It's her birthday today so I wanted to do that publicly. As those of you know that came to the inauguration I told people that if it had not been for my mother and father, number one, and number two, I wouldn't be who I am. They truly made me and my family who we are and taught us and showed us the foundation that we stand on. As a Commissioner I would like to tell the staff, the community, the public, that I look forward to this opportunity that I've been given and I humbly sit here, as Commissioner Mayfield said, he humbly sits over there across from me, I look forward to working with all of my fellow Commissioners. I look forward to working with staff. I look forward to working with our entire community, as I know there are many issues that we're dealing with and that we're faced with on a regular basis. Tough decisions and challenges, but I know that if we collectively do those things together that we can make positive things happen and affect the lives of the community that we serve. So I humbly look forward to that opportunity.

A couple items if I could. Ms. Miller, I have a couple questions specifically related to the capital projects that I'd like to ask. Mr. Gutierrez, if it's okay I'd like to ask you a couple questions. I know I briefly spoke to you. Could you give me just a brief update, and I brought it up in our work-study session the other day. If you could just summarize where we're at. I know you have some historical data that I asked for about projects that we had in the pipeline specifically tied to resources that we lost in the legislative session that you're going to be provided. Could you provide a brief snapshot on that, but more importantly I'd like feedback on any potential revenue that we may be in jeopardy of losing in the upcoming legislative cycle. So if you could, Ms. Miller, or Mr. Gutierrez, I would appreciate a response.

JOSEPH GUTIERREZ (Community Services Director): Madam Chair, Commissioner Anaya, I'm going to have Paul pass out a handout. *[Exhibit 1]* It pretty much summarizes what has happened over the years on the capital grants.

CHAIR VIGIL: Is this the item that we were going to look at under the legislative update?

MR. GUTIERREZ: Madam Chair, no. It's not. This is about grants that the County has received and expended. It's also about grants that we received and also reverted back to the state.

CHAIR VIGIL: Thank you.

MR. GUTIERREZ: What we've done is we've compiled a list of the projects and the funding we received and what has been reverted over the years, or most recently. And there's also an attachment for roads and for water. The first handout is probably several pages long, it's eight pages long, but if you jump to that last page on that handout on page 8 for the

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projects side, you can see that the County has received approximately about \$11.8, \$11.9 million. Within the funding projects area we have expended \$8.3 million. What has been reverted, and this is over the last maybe 18 months or so is about \$3.4 million. It gives you detail on all the projects where funds were received, expended, and also reverted.

We did a little analysis in terms of all the projects, in terms of funds that reverted and I had mentioned to Commissioner Anaya that a portion of these projects were not viable. As you know we receive partial funding for projects and the funding that we receive is actually funding that the County has requested but there are several non-profits and other groups out there that lobby the legislature and they have to have a fiscal agent, and the County becomes a fiscal agent. So our analysis basically shows about \$2 million of those were projects that we felt weren't viable. There wasn't sufficient funding or there were other reasons for that.

On the other side there was an additional \$1.5 million that was probably viable but for various reasons that funding didn't get implemented. And also on the \$1.5 million, those were also requests that didn't come through the County additionally. These weren't all County requests. In fact the majority of the funding that we received is non-County requested funding. But we do implement those projects as you can see by the almost \$8.3 or \$8.4 million that was expended over the years. But there's a lot of detail there and I don't want to get into that at this point unless you have specific questions but we'd be happy to answer any of this at any time for Commissioner Anaya or for any of you on the Commission. In addition you can see there's an amount that was reverted for roads and there was an amount that was reverted for water.

COMMISSIONER ANAYA: Madam Chair, if I could, Mr. Gutierrez, just a comment on project viability, and I know there will be more discussions that we will have so that I can better understand, but project viability, as it relates to community parks and agricultural facilities in and around the entire community, although we know we never get full funding, any amount that the County receives for those types of projects is viable. So I just want to say that for the record.

Could you tell me specifically related to – I'll have more questions once I observe this further. This is the first time I've seen this document. But specifically related to upcoming projects, yesterday you referred to a project at the County Fairgrounds, so specifically address that, and any other potential projects that we could be in jeopardy of losing resources, which is my primary reason for asking for the presentation today.

MR. GUTIERREZ: Madam Chair, if you allow me two seconds to go back to pull the information for what we have right now.

COMMISSIONER ANAYA: You bet. And Madam Chair, is someone here from Public Works and Utilities? I see Robert and Mr. Guerrerortiz. Could both of you address in a brief statement – Mr. Gutierrez brought up Public Works projects, roads and utilities. Which were those that were turned back last year and what was the reasoning behind us turning those funds back?

ROBERT MARTINEZ (Public Works Director): Madam Chair, Commissioner Anaya, I believe Public Works had about close to \$150,000 reverted back to

the DOT. The largest grant agreement was for Ravens Ridge Road, and the reason for that is we did not have a third-party contract in place prior to the cutoff date. We did pave the road ultimately with County funds, so the residents of that road did not suffer due to our losing that appropriation.

Another appropriation was an agreement for a County Road 55-A extension, which there was no such road. I believe the intent of that grant agreement was from Commissioner Sullivan trying to assist somebody off of County Road 55-A with possibly funding for a road that is private and I believe his intent was to get funding to improve it and then bring it into the County road system, but we would have had to have gone to the legislature for a language change because that road name was inaccurate. I believe there was a funding agreement for a roundabout on Agua Fria at Henry Lynch and that was allowed to revert back to the DOT, to the state because it was determined at that time that there was not sufficient right-of-way to accommodate a roundabout at that intersection. I believe that's the extent of the project funding sources for Public Works that was reverted back to the state.

COMMISSIONER ANAYA: Madam Chair, thank you, Mr. Martinez. Mr. Guerrerortiz.

PATRICIO GUERRERORTIZ (Utilities Director): Madam Chair, Commissioner Anaya, some of these reversionary amounts are prior to my history with the County so I'm not going to be able to explain all of them or the circumstances surrounding our inability to use the grant funds. From these I can see that there are some small amounts of reversionary funds or funds that we're reverting to the utility after using the majority of the grant and that because the costs were lower than we had anticipated and we're reverting some of the funds back.

I am not familiar with, as I said, the majority of these funds – Pojoaque Wastewater Treatment Plant, I would only be telling you third-hand stories so I'm not qualified for that one, I don't think. And most recently we reverted funds to CDBG because the grant had a very limited time for us to perform some of the activities that are required with federal grants and nothing had been done towards that until it was less than a year from when the grant would be expiring and the time, a realistic time to get that implemented would have been not there. So I made the recommendation to refund those funds so we can apply for additional funds in this application period rather than losing the opportunity to do so by returning the funds later.

We are pursuing, by the way, the project, a modified project, for which these funds have been granted. The original project called for the construction of a wastewater treatment plant to replace the facility that we have at Valle Vista. It was totally unrealistic in my mind to be able to get everything done and the funds used before June 30th of this year. We had some County participation, some significant County participation towards that project. The project that we came up with in lieu of the wastewater treatment plant is going to be much less expensive than the wastewater treatment plant and it will serve a better purpose for future projections for the entire area.

COMMISSIONER ANAYA: Thank you, Mr. Guerrerortiz. Mr. Gutierrez.

MR. GUTIERREZ: Madam Chair, Commissioner Anaya, the projects that we have outstanding and the funding associated currently with state grants, we have approximately I'm going to say \$1.7 million for Esperanza. That, we had the groundbreaking last week. That's under construction agreement. We plan to finish that in about the next six to eight months. So at this point that would not be in jeopardy. We have a small appropriation left for Life Link/Clubhouse and we're doing some ADA compliance over there. It's about \$15,000. We have about \$300,000 tied up for the Oscar Huber Memorial Ball Park. That's under construction now, so we're contractually committed to that. We're finishing up the project on the Mountain Center. We've purchased a building. We've built a climbing wall for them. We have some miscellaneous items that we're purchasing right now and that grant should be finalized within the next 30 days.

There's the Santa Fe Recovery Center that we had funding for. That's pretty much closed out and hopefully you'll all be able to tour that at the end of this month. We have about \$20,000-some for Pojoaque tennis courts. We're ordering some shade structures and benches and those types of things at the Pojoaque tennis court. There's about a little bit over \$100,000 for Women's Health Building and what we've done is we've purchased computer equipment and we have a construction bid out that is due back I think in the next couple weeks and that's to renovate a room at the Women's Health for a server room, make it an IT room. And last but not least we have about \$160,000, \$170,000 for the Santa Fe Fairgrounds. And that funding we had set aside because what we need over there is we anticipated, we were hoping to get the City water and sewer hookup for that. The water department has since come in and taken over that project, so we're shifting these monies and these monies were planned to be used to do some paving over at the fairgrounds before these monies potentially would be in jeopardy and it's something we can do. We can alter that. We still have a little bit of a window to make some adjustments but that's where we are on the fairgrounds.

COMMISSIONER ANAYA: Madam Chair, Mr. Gutierrez, I appreciate that and I'd like to, after I make this statement, hear a follow-up because I know Ms. Miller has already talked about the project planning and the meeting and the work study we had the other day I expressed that a county of our size and capacity, we shouldn't be in any position to turn back any money, especially projects that we've sanctioned and that we solicited revenue for. So I look forward to seeing those recommendations on the balance of expenditure of any of those resources, and I would express relative to the fairgrounds, we have a County Fair Board and I know that yourself and others have been in contact with them. They've expressed a marquee sign and amongst some other specific things that I think should be relatively easy to procure.

So please take their information into consideration and on a regular basis I'll be asking as a heads-up if you will to all staff for ongoing project management information so that, to use a DOT expression, that we're on time and on budget. And most importantly getting the resources expended sooner rather than later within the parameters of the language. And I would also say that we're getting feedback already from legislators as to why did we turn back those resources. So I think we need to be prepared to provide explanations where

we have them because I know it's a lean year and there's not going to be a bunch of money to be handed out but I think we need to articulate the challenges we've faced and those things that we're going to do to mitigate those challenges moving forward.

So Ms. Miller, because I think it's such a large item, if you could just briefly comment and then Madam Chair I have just one or two other brief items. But thank you, Mr. Gutierrez, Mr. Guerrerortiz, Mr. Martinez and Mr. Olafson for your work and the work of staff.

MS. MILLER: Madam Chair, Commissioner Anaya, one other really large part that wasn't mentioned is Santa Fe Studios, a ten million dollar appropriation, and we have quite a bit of progress on that from Santa Fe Studios themselves as well as the County. On your agenda today will be a recommendation for award on the widening of Highway 14 in order to have an accel-decel lane for the studio's entrance. So I want to make sure you're aware that that is an appropriation that's also with the state, even though it's not in jeopardy from a time perspective there's always that possibility that the legislature would look to it as a resource. We don't believe that it's a viable resource for them since we do have third-party agreements against that on both the County's side as well as the contractor's side, and a project participation agreement with them.

But I wanted to add to that that we can provide on a regular basis, every month for that matter, a report of any appropriations that we do have left outstanding and what the expenditure rate is on that, where we are, and whether there is anything that is being held up. I think any appropriations have to be truly actively managed from a perspective of if they're not appropriate because they're not funded correctly or whatever that we really have to go forward for any kind of language changes in the future immediately if they're not an appropriate source of funds for something.

It's a problem and I will comment on it from my state perspective. It's a huge problem statewide; it's not just Santa Fe County. There are legislators that want to see things happen within their district. The state doesn't deal with it at that level so it becomes an appropriation to a local government, city or a county without necessarily the right avenues to get that expended, for whatever reason, if it's easements, rights-of-way, funding agreements with the entity. Entities will often go around the local governments to a legislator and not want to work with a particular local government. I've seen every single scenario of issues with legislative funding.

That said, I think there were a lot of efforts at the legislature over the past few years looking at how can we better do this process from the executive side and the legislative side and hopefully, during these years with a lack of funding there will be some more progress on that. I think LFC and DFA made a lot of strides in trying to find ways to improve that process but I still think it needs to be done more comprehensively from the state side down to the local government because quite often we don't have the resources to take on owning a facility that a non-profit might go in and request funding for without violating anti-donation issues or setting up a lease system that doesn't work for the non-profit entity.

So I just want to say that there are circumstances when it is difficult for a local government to deal with those appropriations, but that said, I think you are correct that we could handle those better and more pro-actively in the future, if we get them, and I think we should also work with our legislators and with the executive in making sure that we try to get funding for things we can complete quickly and efficiently.

I think it starts with our ICIP planning and I think we're going to work even a much better process throughout the year at bringing a capital improvement plan forward that can actually be implemented instead of a list of every single project that we would like to see done, but really prioritize it and set up all funding sources in a way that helps us get those done more systematically, I might say.

COMMISSIONER STEFANICS: Madam Chair, on this point.

CHAIR VIGIL: Commissioner.

COMMISSIONER STEFANICS: Thank you very much. It's just a reminder that this last year when we dealt with talking quite a bit about the non-profits and the capital money that it comes forward with we also set up a policy to establish some kind of repair fund for all these non-profits so that it did not fall back on the County. But also we talked about the fact that in the future, if there ever is any money – there might be – that if the non-profit was located in the city limits that it might be appropriate for the Santa Fe City to be considered versus the County for some of these projects, because it does take quite a bit of County time. And I'm not discouraging non-profits. I don't perhaps have the same sense that others do that we shouldn't do it, but if something is strictly in the city we might want to the City to be the partner on this rather than the County, in the future. Thank you.

COMMISSIONER ANAYA: Thank you, Madam Chair. Just a couple other items. There were a lot of decisions made in the last year under the last Commission and with the utmost respect for the last Commission I would, however, if I could, Ms. Miller, get a summarized version of the items, ordinances specifically. Growth Management Plan was one, as an example, that were approved in the last seven months. And I will have some questions and comments on those items at the appropriate time, but I would like that.

Madam Chair, members of the Commission, the last thing I wanted to say is I wanted to extend a special thank you to Commissioner Anaya and Commissioner Montoya for their service on the Commission. Commissioner Anaya, for District 3, the district that I'm going to represent, had a tough job as all these Commissioners do but I want to thank him for his service to District 3, to listening to the community and making tough decisions when he had to, so I just wanted to personally thank him and wish him well in his new endeavors at the New Mexico State Land Office. I look forward to moving forward and thank you, Madam Chair.

CHAIR VIGIL: Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Madam Chair. First of all I would like to say a special welcome to Commissioner Mayfield and Commissioner Anaya. I think that you know from our meeting last week that we have a lot of difficult issues ahead of us

but I'm confident that if we work together as a team we can not only solve outstanding issues but hopefully we can also move forward in some positive areas as well.

The second thing is I would like to give you an update on the Renew Santa Fe program. First of all, I'll just say upfront that there are a lot of complex issues that are involved in this program and I can only sort of scratch the surface on what's going on here today, so I invite you to meet with me if you would like more details on this. But in a nutshell, the Renew Santa Fe program is a program that we have initiated here in the county, and it is to help people find low-cost financing for renewable energy projects. So you may have heard of it.

Our program is a little bit different than most of the other programs like this around the country in that there is a commercial component to it as well as a residential component. Now, the first phase of our program, which we were almost ready to initiate last June was for the residential part of the program and it was to create a special assessment district, and this was based on enabling legislation that was put forward by Senator Peter Wirth. This part of the program would have created a special assessment district that's sort of like a paving district, but instead of finding money for doing paving projects it would be for doing residential renewable energy projects.

Now, there's a little glitch. What happened was is that last June – and this happened at the federal level – what happened last June was that the Federal Home Finance Authority issued a letter to Fannie Mae and Freddie Mac, big lenders. The letter was actually requested by Fannie Mae and Freddie Mac, by the way, and what it did is it gave direction to them about rules for making home mortgage loans in any district that had a renewable energy special assessment like this. And these rules were so onerous and so hard to follow that in essence what it did was it brought a halt to these kinds of programs all across the country. And there were about 30 states that had passed enabling legislation for programs like this. These are called PACE programs, by the way – property assessed clean energy. It was becoming very popular and this letter from FHFA just more or less brought everything to a halt.

But I wanted to tell you what we're doing in the mean time. We've not given up; we're being persistent. We are pursuing the commercial part of this program and in fact we're working with a private entity called Renewable Funding that we had contracted with before at the County to help us set up the residential program, and they are helping us develop the program details, loan documents, things like that, and they are also doing a market analysis in our area so we can see what kind of demand there is for this for renewable energy projects for commercial entities.

What we are looking at is a pilot program that will be maybe two to five million dollars, something like that, and we're looking at different financing options. As a matter of fact, renewable funding is helping us identify financing options as well. And one of them is actually to go to our local banks, and I want to say at this point that Duncan Sill and I went to talk to Bill Enlow from LANB and he was very interested in providing financing for a program like this. And I would like to take this opportunity to thank Duncan at this point.

Duncan has been here since the inception of Renew Santa Fe and from the County point of view he has really done all the heavy lifting as far as putting these programs together. So anyway, thank you, Duncan.

Now one thing that we might be able to do is to use our energy conservation block grant to create a debt service reserve fund for the commercial lending. Now, keep in mind that the money would actually come from the banks but if we had a debt service reserve fund that's like insurance for the bank, so that would lower the interest rates and we really want to lower the interest rates to make this program of interest to people. So that's what we're working on on the commercial side.

On the residential side I'll just say that we're working with our congressional delegation, our Senators and Congressman Lujan to help shape federal legislation. There is a movement back in Washington, DC to have legislation that will help create rules for these PACE programs. And the idea is to have rules that are uniform across the entire country and of course uniform rules mean certainty and that means lower interest rates, so I think that that's actually a good thing.

One other thing that we're looking at is a new program came out from HUD. It's called the Power Savers program. It provides insurance to lenders, and again these would be private lenders, local banks, that sort of thing, if they will loan money for renewable energy and energy efficient projects. And they're looking at loans. They would allow loans up to \$25,000 per project. This is sort of similar to a Title I program that already exists from HUD called the Property Improvement Loan Insurance program. Again, it's insuring the money which leads to lower interest rates.

Again, Duncan and I talked to Bill Enlow at LANB. He's very excited about this. In this case the lenders have to apply to be part of this program, so LANB is definitely going to apply to be part of the Power Savers program. HUD is looking at something like 24,000 loans across the country, maybe \$300 million for the initial inception of this and hopefully we can get in on the ground floor of this.

There is another source of money for these renewable energy loans. QECBs, which are qualified energy conservation bonds. I'm not going to talk about those here because we have an item on our agenda that is going to be about our legislative priorities in the state, and this is relevant. I'm going to make some comments that are relevant to accessing these QECBs for the County.

On a completely different note, I wanted to acknowledge that next Monday is Martin Luther King Day. I think that in a way, the best way to honor Martin Luther King is to listen to some of the words that he said. And I found a quote that I really love, and this quote I feel is really relevant given the tragedy that just happened in Arizona this last week. This quote says, "Never, never be afraid to do what's right, especially if the well-being of a person or animal is at stake. Society's punishments are small compared to the wounds we inflict on our soul when we look the other way." And I would just like to see that at that tragedy in Arizona there were many people who did not look the other way who tried to do what they could to help, and I think that Congresswoman Giffords is alive because of that and I would just like

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to send my condolences to all the family and friends of the people who lost relatives and friends at that tragedy, and I also would like to send my best wishes for a complete recovery to Congresswoman Giffords and all the other people were injured. Thank you.

CHAIR VIGIL: Thank you, Commissioner Holian. Commissioner Mayfield.

COMMISSIONER MAYFIELD: Commissioners, thank you, and again, staff, I'd really like to thank you for making me feel very welcome within this organization. I look forward and feel very privileged to be able to work with each and every one of you. I want to assure you that I will be as accessible as possible to you and to the public, and if you ever have any questions I'm just down the hallway trying to figure myself around this place as it goes by day by day.

There are a couple things I'd like to ask the Commission as far as protocol. I know we discussed this briefly in the Commissions' training, but with resolutions, and we briefly discussed compliance with the Sunshine Portal. I will work with Chairman Vigil to ask that this be an agenda item for our next administrative meeting but I would like to see if the County can meet the state requirements for complying with the Sunshine Portal. Also I'd like to look at posting all of our contracts online, so I'd like to work with the Manager on that to see if we could have all of our contracts posted online, even if it is in a pdf. format where there will only be view privileges for folks.

On that, at the administrative meeting I would like to see what the contract process is here for the County. I know that we are looking at some contracts in this agenda and I will have some questions specifically to them, but I would like to see on the administrative meeting if we could have a process brought forward of how contracts are approved within the County. And one request that I have is that we could – or I could at least look at all property that is owned by Santa Fe County, leased by Santa Fe County, and rented by Santa Fe County, especially if we're asking to expend taxpayer dollars and state taxpayer dollars to fund those projects.

Again, I look forward to working with all of you and if you have any questions or concerns about me, please, just come and talk to me. Thank you.

CHAIR VIGIL: Thank you, Commissioner Mayfield. Thank you, Commissioners. I just have a couple of items. One, a couple of statements as chair of the Commission. I invite the two new Commissioners if this hasn't happened for them to schedule standing meetings with our County Manager. She actually accommodates each and every Commissioner with one on one standing meetings. Many of the questions that you may have might be resolved at those standing meetings. Those of us who have had them on a regular basis find them to be very beneficial. I in particular have them to look at agenda items and go over them. You will be also able, through the County Manager to address any issues within your district and she will make staff available as that is needed. So if that has not occurred I invite you to schedule those meetings with our County Manager. I actually think that might create a larger remedy for a problem that I sort of encountered in today's agenda and that is all of our Consent items have been withdrawn and it almost makes the need for a Consent Calendar null. So if we need to think whether or not we have Consent items I'm

happy to entertain that option, but it has created a larger benefit to have Consent items on the agenda. Some of those some times can be answered readily with a standing meeting, bringing in staff. Most of the Consent items that we all bring forward really just need further clarification from staff and a lot of that can be taken care of before the Board of County Commission.

The second item I have in particular is really a delightful item. The Esperanza groundbreaking took place this week. Many of you who participants in that were out there. What an exciting event that turned out to be. There was some wonderful press coverage. Staff fully came together to work on that. Santa Fe County is to be applauded for that. So many people that came together for that really made it the success that it was. Our new governor was there. The purpose of domestic violence became such a huge issue with the groundbreaking, and it is an issue that needs to be on people's radar screens and it is an issue that our county needs to come together to address. I was leaving that event with a wonderful feeling and a strong sense of pride for all of those Santa Fe County employees that were a part of that.

Katherine, I know you became engaged in what was going to be happening with Esperanza early on. Thank you for your leadership in getting staff engaged in what needed to happen with this. Joseph, thank you. Public Works was there. Ish's group. There were so many people there that were a part of it that made it such a success and I just want you to know it was an incredible delight to be a part of a groundbreaking ceremony everybody was feeling excited about. I hope the next groundbreaking – I think we're going to be doing a ribbon cutting for them and I hope the next groundbreaking we have will be equally as exciting.

Although, one of the comments I want to make is there's not going to be too many. There was a time when Santa Fe County was able – and this goes a lot to our legislative stuff. The Commission when I served on it was really willing to work with the community as a whole, to work with non-profits, to work with other organizations. Esperanza specifically said that they could not do this without the legislature funding it and they're right. But that option is not going to occur that much. So the way we look at projects and how we need to follow them is going to be a lot easier now and I think that's just in particular because we're not going to be able to be at the place where we have the ability to go to our legislature to get funding as we did at one time. So that partnership, I'm always having a sense of remorse over the fact that the state and local and federal partnerships aren't going to be able to really come together like we once did. I know it's true of the upcoming session, and I wanted to address, Commissioner Anaya, one of the concerns that you brought up with regard to some of the funding lost, because I actually was at the legislature speaking to legislators who were concerned about some of the funding. And it really was an opportunity for Santa Fe County to come up and say this is why we can and can't do this. And part of the reason did have a lot to do with insufficient funding. I think that categorizes itself under viable or non-viable projects. Some of it had to do with projects that Santa Fe County was awarded funding that we knew nothing about. The spectrum was wide and varied.

So the loss of dollars that we actually experienced – Katherine in all fairness to her, was not in Santa Fe County when this actually occurred but I was and we had staff there. Rudy was there. Many a senator called us. Many a legislator called us in to find out what was happening and they still, through their process, all of us tried to pull together to save some of that funding but there was a reversionary that needed to occur, and we, like many other counties became a part of that reversion. The City I think fared really well but the City does not put in the project time that the County does and the City was fortunate in that a lot of the funding they received were actually federal funds.

So we're not the only county that experienced this. I think for me, coming out of that, what it said to me was thank goodness we are a County that cares enough about our community to embrace the idea of partnership but that partnership is going to be hard to happen anymore. Anyway, with that I think we can move on to the next item of the agenda. Yes.

COMMISSIONER ANAYA: If I could, and I apologize for any protocol errors. Commissioner Mayfield and I are the newbies on the block, but if I could, a couple follow-up comments. Madam Chair, Commissioner Mayfield, I appreciate you bringing up the Sunshine Portal and I appreciate you bringing up the procurement process. I think as well that will be helpful to me to have that review so I don't know that that's necessary to support that but I do support that and look forward to seeing that. I also would appreciate and would be happy to meet with you, Commissioner Holian, on the renewable energy project that you referred to. And I guess on the last item and we'll probably talk more about it on the legislative side. I guess, Madam Chair, to the Commission and to the staff, as I've spent a lot of time around the legislature myself, I think as we have projects that come from legislators and/or our own projects, Ms. Miller, staff, if we see and recognize up front that we have issues or concerns, I would much prefer that we bring those issues at the forefront. Many of these projects have five-year periods of expenditure. So I understand that process and I respect the work that we have, but as we have issues and concerns, let's bring them up up front and there's even a time during the session where we could even address those issues with legislators while legislators are in session. Let's not wait until the eleventh hour. So I would suggest, with all due respect, we have projects that have been in the books for several years, that we get those off the books, which I know, Ms. Miller I know you're going to work on with staff and take care of, but that as we move forward, if we see issues, let's bring them up on the front end. So thank you, Madam Chair.

XII. APPOINTMENTS/REAPPOINTMENTS/RESIGNATIONS

A. Appointment of Members to the Santa Fe County Valuation Protest Board [*Exhibit 2: Staff Memo*]

PENNY ELLIS-GREEN (Deputy County Manager): Thank you, Madam Chair.

COMMISSIONER STEFANICS: Madam Chair, before we go into this item could we verify that the ethics vetting occurred with these individuals?

MS. ELLIS-GREEN: Madam Chair, Commissioner Stefanics, we have had the questions completed, the conflict of interest form completed, and I have called and done a short phone interview with every single person.

COMMISSIONER STEFANICS: Thank you very much.

MS. ELLIS-GREEN: Thank you, Commissioners. The Valuation Protest Board consists of volunteers appointed by the BCC to hear property tax valuation protests. The board consists of two members and two alternates appointed by the BCC and a third board member is appointed by the state.

In September 2009 the BCC appointed two members and two alternates. Three of these members are now unable to serve for the remainder of their term so Gil Tercero from Commission District 2 is the only one remaining on the board. Therefore we need one member and two alternates now need to be appointed. One member and one alternate need to have experience in the field of valuation. I have listed the names. There's Roger Carson, Shirley McDougall, Michael Hurlocker, Robert Frank, John Nye, Peter Gomez, Jerry Shere, William Mee, and Honorio Andres.

The applicants do meet the requirements of the statute. They do not appear to have a conflict of interest, having reviewed their forms, having conducted interviews with the applicants and having discussed the experience and the board's schedule and geographic representation, we recommend the following appointments. The alternate for the position that does not require experience – Honorio Andres, from Commission District 3. He is an Edgewood resident. The member requiring experience, from Commission District 5 – Roger Carson. And an alternate for the member requiring experience from Commission District 2, Michael Hurlocker, and that's due to his experience, including valuation training.

However, all of the listed applicants do meet the requirements and can be appointed.

CHAIR VIGIL: Okay. Thank you, Penny. Is there any discussion or a motion?

COMMISSIONER STEFANICS: Madam Chair, I would move acceptance of the recommendations for the appointments of members to the Santa Fe County Valuation Protest Board.

Commissioner Holian: Second.

CHAIR VIGIL: I hear a motion and second. Is there discussion?

COMMISSIONER ANAYA: Madam Chair.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, Commissioner Stefanics, would you consider, just based on experience alone, flipping Mr. Carson, making him the alternate, and Mr. Hurlocker the appointed member, just based on the fact that he has more real estate experience? Would you consider that?

COMMISSIONER STEFANICS: Madam Chair, I might consider that, but Penny, you indicated that you had done interviews?

MS. ELLIS-GREEN: Madam Chair, Commissioner Stefanics, that's correct. Really the reason why I put Michael Hurlocker down as an alternate is that he is from Commission District 2 and Gil Tercero was already from Commission District 2. But he certainly has probably the most experience, including valuation training.

COMMISSIONER STEFANICS: So the existing sitting member is Gil Tercero?

MS. ELLIS-GREEN: That's correct.

COMMISSIONER STEFANICS: And he's District 2.

MS. ELLIS-GREEN: That's correct.

COMMISSIONER STEFANICS: And if we went with Roger Carson, he's District 5, and Michael Hurlocker is District 2?

MS. ELLIS-GREEN: That's correct.

COMMISSIONER STEFANICS: And Honorio is what?

MS. ELLIS-GREEN: District 3.

COMMISSIONER STEFANICS: Madam Chair, I would not concur with changing that. I would like to see some spread in the districts.

COMMISSIONER ANAYA: Madam Chair, that's fine.

CHAIR VIGIL: Any other comments, remarks? I have a motion on the floor.

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

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

CHAIR VIGIL: We have made some recommendations and I think there were some requests in our training that that be changed. Penny, I'm going to be turning it over to you.

MS. ELLIS-GREEN: Thank you, Madam Chair, Commissioners. We do need to make appointments to the following boards: The Regional Planning Authority, the Buckman Direct Diversion Board, Solid Waste Management Agency, Extraterritorial Land Use Authority, Santa Fe Metropolitan Planning Organization, North Central New Mexico Economic Development District, Regional Coalition of LANL Communities, and the North Central Transit District.

On page 3 of your packet is a table which indicates which boards the Commissioners have shown an interest in serving on in 2011. The items that have not yet been addressed or the boards that have not yet been filled would be the MPO still needing one Commissioner to volunteer on that. The NCRTD would still need one alternate, and the Economic Development District would need an alternate which does not have to be the chair. That had been a question before as to whether or not the chair had to be appointed to that board.

CHAIR VIGIL: Okay. So we have a slate before us, members of the Commission. Let's deal – the slate I think is fine; with regard to the MPO though we need one more additional Commissioner. Currently on the MPO serving is Commissioner Anaya and Commissioner Stefanics and Commissioner Holian is the alternate. Commissioner Mayfield, you no longer want to serve on that?

COMMISSIONER MAYFIELD: Madam Chair, our discussion last week was that we were going to look at all the boards that we expressed an interest in and that it still could be subject to change for this meeting. In speaking with Ms. Ellis-Green and I believe from her consultation with Mr. Ross is that they may have thought that I was over-serving on a lot of these boards as either a full member or alternate member. So I did take that into consideration. I looked at the agendas and tried to apportion my time. [inaudible]

COMMISSIONER STEFANICS: Madam Chair, if you wanted to do something as an alternate in order to take that on, I could remain on the RPA, unless you want to do that.

CHAIR VIGIL: Okay. That's a possibility. Commissioner Holian, you're the only one that hasn't vetted in on this.

COMMISSIONER HOLIAN: Madam Chair, the reason that I volunteered to be an alternate for the MPO is that the time that the MPO meets is exactly the same time as the Energy Task Force, of which I am the vice chair. So I'm put in a difficult position here. I don't know if it's a possibility. Commissioner Stefanics, are you still the chair of the MPO?

COMMISSIONER STEFANICS: Madam Chair, I'm the chair for this meeting but I believe Mayor Coss will become the chair. The MPO does have members from four different entities and we rearranged the meeting two years ago to make it later, from 3:00 to 4:00, and I'm not sure that they would change it, because it fits in with all their City committees as well.

COMMISSIONER HOLIAN: Okay, Madam Chair, Commissioner Stefanics. Well, yes, I can see that would be a lot harder. Well, maybe you could tentatively put me on the MPO and I could see whether I could get the Energy Task Force to rearrange its schedule.

CHAIR VIGIL: I don't think there's any reason why these couldn't be changed. Why don't we just take action on this and if it turns out that it's conflicting with any of us – part of the problems that we have, Commissioners Anaya and Mayfield, is that many of us serve on subcommittees of these. For example, I chair the Affordable Housing Task Force in the RPA.

COMMISSIONER STEFANICS: Madam Chair, I also chair the Economic Development.

CHAIR VIGIL: That's right. That's right. So it's almost – do you alternate with Rebecca Wurzbarger on that chair?

COMMISSIONER STEFANICS: Well, we really set it up as co-chairs, just so the County would have some say.

COMMISSIONER HOLIAN: Madam Chair, if it solves the problem for me to join the MPO, for now I'll try.

CHAIR VIGIL: Okay. We'll put you down as trying. And I will be the alternate for the MPO. Now, the NCRTD needs one alternate. Currently we have Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I think Commissioner Mayfield had expressed interest but he's changed his mind based on some of the other commitments. Penny, am I correct that you were the alternate historically?

MS. ELLIS-GREEN: Madam Chair, Commissioner Anaya, I have been this past year, yes.

COMMISSIONER ANAYA: If there's no one else interested up here, is that something you're interested in still doing?

MS. ELLIS-GREEN: I can continue to do that.

COMMISSIONER ANAYA: I don't know if that helps, Madam Chair.

CHAIR VIGIL: It does help. Penny, you're the alternate.

COMMISSIONER STEFANICS: So Madam Chair, we still have the North Central.

CHAIR VIGIL: Yes, that's the one I'm going to next. North Central needs one member which does not need to be the BCC chair. I don't need to chair that, if you are interested in doing it, Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, I definitely wanted to serve as an alternate on that and I don't mind picking up the full –

CHAIR VIGIL: You can be the member. Okay. And I think we had Duncan as an alternate on that, did we not?

COMMISSIONER STEFANICS: I'll serve as the alternate.

CHAIR VIGIL: Okay.

COMMISSIONER STEFANICS: They're Saturday morning meetings once a quarter.

CHAIR VIGIL: Okay. I think that takes care of the slate, does it not, Penny?

MS. ELLIS-GREEN: That's correct.

CHAIR VIGIL: Okay. So that if we – if I received a motion on this we're fully covered?

COMMISSIONER ANAYA: So moved.

COMMISSIONER HOLIAN: Second.

CHAIR VIGIL: Any further questions?

COMMISSIONER STEFANICS: Madam Chair, I am seeing an issue with my being an alternate on the RPA, unless one of the new Commissioners wants to take over the co-chair of the Economic Development Task Force with the City.

CHAIR VIGIL: That question would go to Commissioner Anaya or Commissioner Mayfield. The other option would be that either one of you could also serve as alternate for the RPA.

COMMISSIONER MAYFIELD: Madam Chair, Commissioner Stefanics, are you still inclined to maybe switch positions on the BDD with myself in a couple months, or would you like to remain on that for a time?

COMMISSIONER STEFANICS: Commissioner Mayfield, I can go either way with that. So we could discuss – if you want to go on in like three months when I think that the finances are done I'm happy to become the alternate and switch with you, or if you take on something else and you want to stay the alternate, that's fine too. Either way.

COMMISSIONER MAYFIELD: Madam Chair, Commissioner Stefanics, do you mind if I go to the first RPA meeting and look at how the different boards – I think there's three sub-boards on the RPA.

COMMISSIONER STEFANICS: Right.

COMMISSIONER MAYFIELD: And I definitely would like to look at the three tracks that I might be able to put myself on before I make a commitment to any one of those.

CHAIR VIGIL: Okay. Let me just ask Steve a real quick question. We can take action on the slate as it exists now. If there is a request for a different status of membership from any of the Commissioners that will have to come before the BCC, correct?

MR. ROSS: Yes, we'd just put it on for subsequent action.

CHAIR VIGIL: Okay.

COMMISSIONER ANAYA: Madam Chair.

CHAIR VIGIL: Yes.

COMMISSIONER ANAYA: I'm confused. Commissioner Stefanics, you have a desire to be on the RPA? I'd like to stay on the RPA because of the correlation between NCRTD and RPA and other issues that I want to get acclimated on. RECC, for example, discussion. But you have a conflict or –

COMMISSIONER STEFANICS: Well, Madam Chair and Commissioner, what I am indicating is if I remain an alternate on the RPA, which is fine, then one of the two of you, Commissioner Mayfield or Commissioner Anaya, should take on the co-chair of the Economic Development Task Force of the RPA, so that it's not just City-run.

COMMISSIONER ANAYA: Madam Chair, Commissioner Stefanics, I'd go ahead and render my vote for Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair and Commissioners, I will say that Economic Development is definitely one of the tracks I'm definitely going to look at but also there's some energy initiatives that are on the RPA and also some transportation initiatives. I want to look at all tracks. Madam Chair and Commissioner Stefanics, I assure you I will position myself not to leave the City standing alone on any committee.

COMMISSIONER STEFANICS: Madam Chair, since Commissioner Holian is going to chair the RPA, Commissioner Holian can watchdog that a County person co-chairs that with Councilor Wurzburger.

COMMISSIONER ANAYA: Madam Chair, if Commissioner Mayfield does not want to do it I will do it.

CHAIR VIGIL: Okay. Very well. But it sounds like we've really come down to the slate that we currently have and some of the issues that have been outstanding have been discussed. I think everyone has a clear understanding. For the record, RPA representatives will be Mayfield, Vigil, Anaya, Holian, with Stefanics as an alternate. BDD, Mayfield as an alternate, Vigil and Stefanics. Santa Fe Solid Waste Management, Mayfield, Vigil, alternate Anaya. Holian will be a member. ELUA, it will be Mayfield, Anaya and Holian with Vigil as an alternate. The MPO will have Holian, Anaya, Stefanics, with Vigil as an alternate. The NCNMEDD member will be Mayfield, alternate will be Stefanics. The Regional Coalition will be Holian with an alternate as Mayfield. The NCRTD will be Anaya. The Indigent Board is all five of us. The Housing Authority is all five of us. The Board of Finance is all five of us, and the Investment Committee will be Vigil. Is that everybody's understanding?

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR VIGIL: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Ms. Ellis-Green will be the alternate for the NCRTD?

CHAIR VIGIL: Correct. Do we have a motion?

COMMISSIONER MAYFIELD: Yes.

CHAIR VIGIL: I believe, Commissioner Anaya, is that your understanding of the motion?

COMMISSIONER MAYFIELD: Yes.

CHAIR VIGIL: Is the seconder okay with that?

COMMISSIONER HOLIAN: Yes.

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

[See page 51 for changes to MPO appointment]

CHAIR VIGIL: Thank you all for your cooperation.

XIII. CONSENT CALENDAR

A. Final Order

1. CDRC Case # S 04-5421 Vallecita de Gracia Subdivision. JK²

Inc. (Jim Brown) Applicant, Siebert & Associates, Agent Request a Preliminary and Final Plat and Development Plan Amendment to the Previously Approved Vallecita de Gracia Subdivision to Create Three Additional Lots in Addition to the Previously Platted 11 Lots for a Total of 14 Lots on 42 Acres. the Property is Located Along County Road 54, North of the Intersection of County Road 54 and Paseo de Angel, within

**Sections 22, 27 and 28, Township 16 North, Range 8 East
(Commission District 3) (APPROVED 5-0)**

CHAIR VIGIL: The only purpose of removing item XIII. A from the Consent Calendar was for Commissioner Anaya, and I do believe perhaps Commissioner Mayfield to recuse themselves from this vote. So with that, I'll take a motion from the Commission.

COMMISSIONER STEFANICS: Madam Chair.

CHAIR VIGIL: Yes.

COMMISSIONER STEFANICS: I move approval of Consent Calendar A. 1, the CDRC Case #S 04-5421. This is a final order; this case has already been heard and decided.

COMMISSIONER HOLIAN: Second.

The motion passed by unanimous [3-0] voice vote. [Commissioners Anaya and Mayfield abstained from voting.]

XIII. B. Miscellaneous

1. Resolution No. 2011-1. A Resolution Granting the County Manager Authority to Execute Closing Documents for the Purchase of an Easement on .03 Acres From the Lucy Moore Trust for the Nine Mile Trailhead of the Santa Fe Rail Trail (Community Services Department)

CHAIR VIGIL: Are you ready for questions?

ALLISON MOORE (Open Space Division): I think so, Madam Chair.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, before I make these comments I just want to make the general statement that I do understand the benefit and value of a Consent Calendar, but because I'm not privy to a lot of the dealings of the County in the early going I'm going to be asking questions on Consent. But I understand the value and merit of it, so it won't last forever. But it will last for a little while. So if you could just provide just a brief snapshot of what we're doing here and why, that would be sufficient.

MS. MOORE: Sure. I'm working on the Santa Fe Rail Trail or working on improvements to it, which also includes the development of trailheads. And one of those is proposed at the end of Nine-Mile Road. We have a design that we created with an engineering firm and during the course of the work with the engineers we discovered that part of the cul-de-sac that is there is already being used for parking to access the Santa Fe Rail Trail and people are currently parking on a private property, which is owned by the Lucy Moore Trust. And so in order to consolidate that area for the overall design of the trailhead

we wanted to purchase the easement from the Lucy Moore Trust to incorporate it into the overall plan for both safety and aesthetic reasons.

COMMISSIONER ANAYA: Thank you, Madam Chair. I don't have any more questions. I would move for approval.

COMMISSIONER HOLIAN: Second, and I would just like to say thank you, Allison, for all your hard work on the Rail Trail. I really appreciate it and all the people in my community appreciate it too.

MS. MOORE: It's my pleasure, and I just want to extend an invitation that if any of you at all are interested in joining me on the Rail Trail at some point when the weather is much nicer out I'd be happy to take your out.

CHAIR VIGIL: Thank you. There's a motion and a second.

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

XIII. B. 2. Request Approval to Award a Contract Between Santa Fe County and Star Paving Co. for IFB #2011-0133-PW/MS for the NM Highway 14 Road Improvements Project Totaling \$822,256.00. (Community Services Department / Projects)

PAUL OLAFSON (Community Projects Division): Madam Chair, Commissioners, just briefly, Commissioner, this is a project to do improvements to New Mexico 14 that are at the entrance of the Santa Fe Media Park, which is where the Santa Fe Studio project is. It's commencing to start and I would stand for any questions.

COMMISSIONER ANAYA: Madam Chair, Paul, Thank you very much. A couple questions. Do we have on staff right now – I understand that this was a contract firm that did the engineering on this project. Do we have a staff engineer that reviews plan sets and designs for Santa Fe County, whether they're internal or private contractors?

MR. MARTINEZ: Madam Chair, Commissioner Anaya, we do have an on-staff engineer. This project was designed by Gannett Fleming West, an engineering firm here in Santa Fe, and this design was forwarded to the NMDOT for their approval since it is on a DOT facility. Ruben Garcia of the DOT and their staff approved this design and we have been working with the DOT to make sure that we are abiding by their requirements.

COMMISSIONER ANAYA: Madam Chair, thank you for that, Mr. Martinez. When and who is our staff engineer? When did they come on board and who is it?

MR. MARTINEZ: Madam Chair, Commissioner Anaya, our staff engineer is Chuck Vigil. He's been with the County for almost three years now. He is not a PE. We recently hired Diego Gomez as our road maintenance manager who is a professional engineer. So we have those two engineers on staff, in addition to Pego who is a PE with the Utilities Department.

COMMISSIONER ANAYA: And Madam Chair, Mr. Martinez, when did Mr. Guerrerortiz come on board to the County?

MR. MARTINEZ: Madam Chair, Commissioner Anaya, I believe he's been with us for almost six months now.

COMMISSIONER ANAYA: Okay. Madam Chair, Mr. Martinez, because it's on the State Route it went through all the process through the DOT and I appreciate that. I don't have any further questions. I would move for approval, Madam Chair.

COMMISSIONER STEFANICS: Second, Madam Chair.

CHAIR VIGIL: Discussion? Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, a couple questions, and I was going to ask this to cover the administrative calendar in a couple weeks. But on all of our contracts, and this may be an appropriate question for Manager Miller. There are conflict of interest disclosures by all contractors doing business with Santa Fe County? Also campaign donation disclosures?

MS. MILLER: Madam Chair, Commissioner Mayfield, yes. They have a requirement to fill out forms disclosing any campaign contributions and any conflicts of interest. And in a bid process, if they do not fill those out they're not responsive.

COMMISSIONER MAYFIELD: Thank you, Madam Chair, Manager Miller. Also, as far as in this contract, and I don't know if this is a contract in its entirety, where is it disclosed in here of potential cost over-runs?

MS. MILLER: Madam Chair, Commissioner Mayfield, I believe, and it's probably appropriate for one of the contract managers, but in a lot of these projects there's a contingency set-aside within the budget to deal with it and it would also be specified – it wouldn't be in the construction contract itself it would be in the budget for the project. We would set aside a certain percentage, five, ten percent, depending on the size of the project, aside for change orders and contingencies.

COMMISSIONER MAYFIELD: Madam Chair, Manager Miller, and who would have that signing authority to execute said changes?

MS. MILLER: Madam Chair, Commissioner Mayfield, it would depend on the value of that particular change order as to whether it would come to either the Manager or the Board.

COMMISSIONER MAYFIELD: Madam Chair, what is that dollar amount?

MS. MILLER: Madam Chair, Commissioner Mayfield, the contract, it's \$250,000 total for the project or ten percent of the project.

COMMISSIONER MAYFIELD: Thank you. Madam Chair, Commissioners, another question. I think I may have heard this is more to benefit the Santa Fe Film Studios, this road widening.

MR. OLAFSON: Madam Chair, Commissioner Mayfield, this project is actually benefiting – it will benefit the function of the studio. It will also benefit the function of the Santa Fe Media Park where the studio is located. So it has a dual purpose and benefit there.

COMMISSIONER MAYFIELD: Madam Chair and Paul, excuse me. Who's expending these funds? Are these County dollars? Is the film studio paying for this project?

MR. OLAFSON: Madam Chair, Commissioner Mayfield, this is part of the project participation agreement between the studios and the County which outlines the responsibilities of the different parties. We are planning to apply this through the grant funding stream, I believe as of now, and it is part of that project participation plan, which in the end outlines the County's responsibilities, one of which is the road improvements for 14 and then there's other obligations that I'm not explicitly able to speak to.

COMMISSIONER MAYFIELD: Madam Chair, Mr. Olafson, Mr. Ross, could I get a copy of that participation agreement, to see what the County is responsible for and what Santa Fe Film Studios will be for, and with that I will say I will be abstaining from this until I see those documents.

COMMISSIONER ANAYA: Madam Chair.

CHAIR VIGIL: Yes.

COMMISSIONER ANAYA: This might be for you, Robert. For construction, who's going to do the inspection on the materials for the project on the testing of the subgrade and the asphalt itself?

MR. MARTINEZ: Madam Chair, it is up to the contractor to provide testing for the work performed but the County is also hiring a project representative and we haven't selected a firm yet. But the County will also hire a project representative that will do quality assurance testing.

COMMISSIONER MAYFIELD: Madam Chair, Commissioner Mayfield, is the Department of Transportation going to have any of their staff assisting with that testing?

MR. MARTINEZ: Madam Chair, Commissioner Anaya, no, they are not, but they will be reviewing the test results.

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

CHAIR VIGIL: Okay. Any other questions? I have a motion and a second.

The motion passed by unanimous [4-0] voice vote. [Commissioner Mayfield abstained.]

XIII. B. 3. Request Approval of Grant Agreement Between Department of Finance Administration, State of New Mexico, Acting Through the Local Government Division and Santa Fe County for the Statewide E911 Program. Total Grant Amount is \$1,551,763.00. The Term of the Grant Agreement Begins Upon Approval and Extends Through June 30, 2014

COMMISSIONER ANAYA: Could you give us just a brief snapshot of what we're doing here, Mr. Martinez?

KEN MARTINEZ (RECC Director): Of course. Madam Chair, Commissioners, this grant is a pass-through grant that is collected through the 51 cent surcharge on every land line and wireless telephone in New Mexico. That funding goes to create the 911 fund that provides all of the PSAPs throughout New Mexico with network, training and equipment maintenance for the 911 equipment. We get this grant for the period of four years between now and 2014, and it pays for all the recurring monthly equipment and maintenance and all other equipment that the center will need between now and that time.

COMMISSIONER ANAYA: Thank you, Mr. Martinez. Move for approval, Madam Chair.

COMMISSIONER HOLIAN: Second.

CHAIR VIGIL: Any further questions?

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

XIII. B. 4. Resolution No. 2011-2. A Resolution Amending Resolution No. 2010-240, Reorganizing the Health Policy and Planning Commission, to Correct Minor Errors

CHAIR VIGIL: Commissioner Stefanics requested this.

COMMISSIONER STEFANICS: Madam Chair, I actually received the materials and reviewed it and I move for approval.

COMMISSIONER HOLIAN: Second.

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

XIV. STAFF AND ELECTED OFFICIALS' ITEMS

A. Matters From the County Manager

MS. MILLER: Madam Chair, I'll come back to the legislative priorities. I've got some other things and that probably at this point will not be a voting item anyway; it will be more of a discussion item but we noticed it that way just in case.

I wanted to go over a couple of things. First of all the satellite offices, some proposed winter hours that we wanted to put forward to you. One of the things that the satellite offices – they get a lot of activity in the summer with the solid waste permits. Joseph has made a request, one because we have staffing issues and two because of what they're currently used for, the traffic and the volume of the individuals who come into those has diminished. So we wanted to put forward some potential changes to that and get your feedback on it. Joseph.

MR. GUTIERREZ: Madam Chair, members of the Commission, Paul just passed out an activities report for the satellite offices, the three offices, one in Edgewood, one

in Pojoaque and one in Eldorado. [Exhibit 3] And as you can see, the activities from October through December have been greatly reduced. We've had transactions, 2,190 drop down to a little over 476 inquiries at the centers. We are currently open three days a week and staffing has always been a challenge. We made some reductions because of the budget and I'd like to thank the Commission for allowing us to use their constituent staff and I'd hope that practice would continue with the new Commissioners, that we're able to use that staff at the satellite offices. The request is basically going from three days a week to two days a week at all the centers.

I don't feel at this point because of the activity that we're having that we're going to have an effect in terms of the people that visit and have reduced services for that period. We will re-evaluate it probably come March and look at maybe some spring or summer hours for April, April, May and June which are the bigger months when we sell the landfill permits at this point.

CHAIR VIGIL: Discussion?

COMMISSIONER ANAYA: Madam Chair.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, Mr. Gutierrez, yesterday you and I had a brief conversation about the capital projects that I asked about today, did we not? We had a brief conversation about capital projects that I was going to bring them up?

MR. GUTIERREZ: Madam Chair, Commissioner Anaya, that's correct. Yes.

COMMISSIONER ANAYA: Madam Chair, he doesn't have to come all the way up here, but Madam Chair, Mr. Martinez, I did the same thing with regard to the Public Works projects. I brought it up to you and mentioned that I might bring up the roadway projects, correct?

MR. MARTINEZ: That's correct.

COMMISSIONER ANAYA: You don't have to come all the way up here. I'm fully in favor of analyzing, and Ms. Miller, evaluating changes that we need to make. I just don't like surprises. So I would just ask in the future that if we have something that's a substantive change to what the public's gotten used to that somebody give me a heads-up.

With that said, I don't think I'm prepared today to say I would be in favor of this, but I'll listen to the Commissioners and the will of the Commission.

CHAIR VIGIL: In all fairness to staff, this was not a surprise to those of us who have had those discussions before you came on board. So sorry that you weren't fully apprised but the fact of the matter is that if you were on the Commission you would have been.

COMMISSIONER STEFANICS: Madam Chair.

CHAIR VIGIL: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Madam Chair. We've been grappling with this a little bit and I realize that we've really cut back on staff and that has created some issues about back and forth in the satellites as well. I really would like to see us

move to some online services that we don't currently have and I see that as being very relevant to if we have satellite offices at all.

I also believe that we have busier times of the year than other times. So I'm wondering if – and maybe I'm not clear – but is the proposal, is there a specific proposal for busy times versus –

MR. GUTIERREZ: Madam Chair, Commissioner Stefanics, I have a schedule. I apologize for not putting in that schedule, but basically the schedule we would propose is to be open on Wednesday and Thursday in Pojoaque and Edgewood, and be open on Tuesday and Thursday in Eldorado. The Tuesday-Thursday, there are three staff that rotate working in the office and they felt that it would be more beneficial because of the schedules, prior commitments that they may have that they would be open on Tuesday and Thursday. Otherwise it would be Wednesday and Thursday at Pojoaque and Edgewood and that was the proposed schedule. We can adjust that, obviously. We're open right now Tuesday, Wednesday and Thursday at all three of the offices.

COMMISSIONER STEFANICS: Okay. Well, Madam Chair, following up on my thought about this, during the high activity time, which is selling the solid waste permits, etc. it would seem to me that two days a week would be great. I even think that during the rest of the year one day a week might be okay in Eldorado. Now, I'm not speaking to the other Commissioners' districts right now, but I also believe, and I mentioned this to our County Manager, that we might actually have some staff who are there but available to assist at times. So for example, we have a cook. We have a senior center director, which I would not want to take away from the seniors, and we have a driver. And I'm just wondering if they are in fact fully engaged during their schedules. And if they're only part time, I understand, but if they're full time, perhaps there's a little leeway.

So for Eldorado at this point in time during a low time, I think we easily could go to two days a week if not one. During peak periods we might need two, maybe three. But if we could get, Madam Chair, to doing some online services that's going to take away most of the business at the Eldorado satellite office. Thank you.

CHAIR VIGIL: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, Mr. Gutierrez, is this just for reasons that there's not enough volume of business going through there or are there also funding concerns with staffing these locations?

MR. GUTIERREZ: Madam Chair, Commissioner Mayfield, it's not so much a funding challenge at this point because the staff that occupied it on a temporary basis they're no longer on the payroll, so we have existing staff. The existing staff wasn't – their original jobs weren't to man these offices but because of your recommendations and some of our staff volunteering we've been able to fill that gap, but it's becoming more challenging, especially during the winter months with snowstorms and things like that. But if you look at the activity in the hours that we're open it seemed appropriate to cut back to two days versus three days.

COMMISSIONER MAYFIELD: Thank you. And Madam Chair, I know we had a presentation last week given to us and I know there were other electeds there talking to

us about maybe needs for their offices. One suggestion I have, and I believe I may have spoken to Manager Miller about this and if I did I apologize. But maybe that's an avenue to try to assist these other elected offices if we could pull from all of our budgets and our resources and maybe find one dedicated full-time employee, or one and a half full-time employee to staff these offices, knowing they would need to have a little bit of knowledge in all areas between the Clerk, the Assessor, the BCC and the Treasurer's Office so they could provide this assistance to staff. That's all I have on that.

CHAIR VIGIL: Okay.

COMMISSIONER ANAYA: Madam Chair.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: I fully respect the conversations that may have taken place before Commissioner Mayfield and myself were here, but we're here now and with the utmost respect, did we get feedback from the public before you brought this forward?

MR. GUTIERREZ: We've posted hours there, and no, we haven't taken a poll, per se, in terms of the visitors that we do have.

COMMISSIONER STEFANICS: On this point, we have taken the poll. We have done an extensive survey of county residents on one of the most important services and the satellite offices actually came in on a very low priority. That's the survey that research and polling did and if the new Commissioners don't have a copy of the survey results or the full report we should get it to them. But the satellite offices came in very low.

COMMISSIONER ANAYA: Madam Chair, Commissioner Stefanics, I'm speaking specifically to the public that's utilizing the satellite offices, because in the Edgewood satellite office I'm hearing positive feedback from the public that there's more and more people starting to utilize the office as they become aware of it and they're happy that they're able to render those services there rather than driving all the way into Santa Fe to provide those services. With that said I would not support right now, respectfully, changing those right now, and I'm glad you brought it up. I should apologize for not doing this earlier. You brought up constituent liaisons and I would like to introduce Mr. Chris Barela who's going to be my constituent liaison. Chris, won't you stand up? And say that this gentleman is becoming very acclimated with what's going on in the County and is going to be attending a lot of meetings around the entire district, which is a large district. In the early going he's going to be really busy.

But I respect what the desire of the rest of the Commission is but as one Commissioner I'm not in favor of reducing those hours today.

COMMISSIONER STEFANICS: Madam Chair.

CHAIR VIGIL: Commissioner Stefanics.

COMMISSIONER STEFANICS: I would like to just go back to the survey results again. The survey results, and I could be wrong about this, but I'm pretty sure that Pojoaque and Eldorado ranked low and Edgewood did rank very high on the desirability for use in walk-ins, etc. So there was a difference in the areas of the county in that survey. Now,

Madam Chair, I actually would recommend, unless there's no support, that we table this for one meeting. Not one month. One meeting, and look at – have two recommendations come back to us and vote on one of the two recommendations. But that's only my opinion.

CHAIR VIGIL: Should I just ask, was this noticed? This is for discussion purposes only. So I think that recommendation should be a part of the further information we share with staff. Ms. Miller.

MS. MILLER: Madam Chair, thank you. The reason this is under items from the Manager, first of all, from a staffing perspective Joseph was having difficulty and during the Christmas weeks we had gone down to two days during those two weeks. Coming back into the new year with people having left positions and that, he was having difficulty finding people and wanted to go to two days. I said I don't think we should change the hours without having a discussion with the Commission relative to its desires, specifically within your districts and then Countywide. This was to get some input so that he could go back and make changes to his recommendation. His original recommendation to me was to just go two days a week. That did come out of the survey that Commissioner Stefanics was referring to and out of last month's report. I didn't feel we should just directly go to that because I think it does affect constituents and it should be brought up for feedback from the Commission before we actually made some specific recommendations. So that was the purpose of bringing it forward today was purely to have some feedback from you of your concerns relative to your individual districts and hear the issues that Joseph's struggling with from a staffing perspective.

CHAIR VIGIL: Okay. Any further discussion? I think we've gained some insight. My recommendation is that we move forward. Perhaps within our standing meetings we can bring up our particular issues with regard to the district. I do recognize that the residents in Edgewood are probably more – there's probably more volume there. We might need to address that with more staffing up there than across the board. It may be that each one of these districts need to be treated differently and we can formulate an alternative to address the issues rather than to just look at cutting across the board, which may be good for one district but maybe not for the others. So I would just recommend that in our standing meeting that we bring up our issues with Katherine Miller so that the issue can be addressed, based on the needs of the residents who are utilizing those services and what alternatives could be placed.

For example, some of the things we heard today was perhaps there's other staff that could fill in besides using the current staffing. If there is staff through Senior Services, through a cook, through whoever, if that is an option. I think we should explore them and see so that maybe when you do come forth we're looking at this a little more in terms of needs of each district. So I know that you need to make a decision on this right away and Katherine, as we meet with you on that, we hope that we'll be able to give you more clarity once that information is crystallized. Are we good with that?

MS. MILLER: Madam Chair, we'll try to keep it staffed like you said. What we were hoping for is not to just all of sudden say, well, nobody's here today because it's

snowing; no one could get here. Or someone's sick. It's just really difficult because we don't have dedicated people. So part of the reason I'm trying to bring it forward is that we wanted to try to provide consistency and good information for the users of those facilities. We will try to continue the hours that we've had until we can bring forward alternative schedules. We just really wanted some feedback of your individual concerns and what things you might want us to address in revisiting those schedules, whether it be by individual district or what not. So I think that really does help Joseph have some feedback and we'll come back at the next meeting, but we'll talk to each one of you before that next meeting and see if we can come up with a workable solution that fits all your individual needs and collective needs as well as the staffing issues.

CHAIR VIGIL: Thank you, Ms. Miller. Any other items that you have before us?

MS. MILLER: Yes, Madam Chair. The second item was the issue on field trips to County facilities for the new Commissioners. It had come up last Tuesday that the new Commissioners would like to get out to see some of the other facilities and departments. We currently have some proposals of going out to the Public Safety Building and Corrections if they haven't been out there. The Health Department and other Community Service Departments, and also the new courthouse site. I just want to let all of you know that we will be planning those and Jennifer can coordinate those and if any of you would like to go see them we'll try to schedule them so that you all have the opportunity if you want. If there's more than two of you we'll make sure that we notice it if it's a visit to a site, or we'll try to schedule them in a way that there's no more than two of you at a time and you can just get visits to those sites. So I just wanted to let you know we will be – Jennifer will be contacting in particular Commissioner Anaya and Commissioner Mayfield to set those up. But they're open to anybody who'd like to go visit any of those satellite offices or sites.

COMMISSIONER ANAYA: Madam Chair, on that point.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: I appreciate that very much. I would be interested and I know Commissioner Mayfield has expressed he wants to do the same. We've kind of done some of our own impromptu visits to some of the area but along with that I would ask that we be allowed to, or that you arrange to have us speak to the employees when we go to the different areas. I'd actually like to go to all the departments. It might take us a little while but we can do it over the course of whatever works best for Commissioner Mayfield and other Commissioners if they want to go. But I would actually like to go out and not only see the sites but visit in some collective way with the employees at each of those areas. Thank you.

MS. MILLER: Okay. Thank you. The next item, just something that's come up, that came up – we had an event and there was some concern as to whether it was properly noticed. I just want to point out that as long as County business is not discussed and contemplated and voted on and that it's not an issue with notice. So if you happen to be at an

event during the legislative process where you all might be in the same room over at the convention center, I don't think it's an issue as long as you do not discuss County business.

I just know that there's a lot of events that come up during the legislative session and you might individually get invited to say, the Chamber of Commerce event or something and you might all end up over at the convention center. I would just caution we won't necessarily know that so it wouldn't be something that we would notice and it wouldn't be required to notice it as long as you don't discuss County business. As long as you're there not officially discussing County business at a social event like that.

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR VIGIL: On that item, I think I have a real quick question.

Commissioner Mayfield.

COMMISSIONER MAYFIELD: I hope it's on that point, but also, and we discussed this briefly, do we all as elected need to register as lobbyists for the upcoming session and if so could you arrange that for us please?

MS. MILLER: Madam Chair, I think we did discuss that, Commissioner, and that we should get you the forms just for precautionary purposes, because it is a little unclear whether it's required for County officials or elected officials to do that but we figure it's probably best. So we'll get the forms to all of you so that if you are over there there wouldn't be any issue with that. And then what I was also going to say –

COMMISSIONER STEFANICS: Excuse me, Madam Chair.

CHAIR VIGIL: Commissioner Stefanics.

COMMISSIONER STEFANICS: Would you really get a clarification on that because, once we register as a lobbyist we then have to file campaign contribution forms throughout the year, and that is an extra administrative responsibility on our personal level. So I really would like for you to clarify whether or not elected officials need to register as lobbyists.

MS. MILLER: Madam Chair, Commissioner Stefanics, I was just discussing that with Steve. We'll have additional research on that and notify you by memo whether that is required. There's several offices that have done it, just for precautionary purposes, but if that's a concern we'll definitely do that.

COMMISSIONER STEFANICS: Well, there are responsibilities with being registered as lobbyist and there's a penalty for not complying with those responsibilities. Thank you.

MS. MILLER: Back on the noticing for public events. Also, Jennifer is going to try to make sure that any time there is any kind of event that we are aware of, however, that we do notice it. So if we call you just to make sure that – let's say we have groundbreaking or are invited to an event and we know that everybody's been invited we'll probably verify if you're attending and just make sure that we do at a minimum a notice on our bulletin board on those. Obviously, if it is an official event with discussion and that we'll do the full noticing, not just on our board and website but anything that we would have to publish in a publication. But I just wanted to kind of let you know because this discussion has come up a

little bit with some different events and I don't know that it was an oversight. We're just going to make sure that we have a more controlled mechanism for doing it. So if you get calls with people asking are you attending, a lot of it is just to make sure that if we know that three of you are we'll definitely put a precautionary notice for it, just to try to protect the Commission as a whole.

Another item is BCC packets. Previously, we've always done them as paper packets and some of it was more of a preference of individual Commissioners not to do them electronically, but I was actually visiting with Commissioner Mayfield on this issue, now with the new Commission whether we would want to go forward with paperless packets. Just kind of FYI with 23 BCC meetings a year, the cost for the just the paper alone runs about \$1,700, \$1,800 dollars if the average binder size is about a two-inch packet.

So it's about \$75 of cost in paper for each meeting and we use about 2 1/2 cases or 25 reams of paper. Binders and tabs are recycled but when we have to get new ones those are about \$15, \$16. And then there's quite a bit of staff time. Two to three afternoons of staff putting all of the material together. So we'd actually – I think it would be useful for the Commissioners as well as the public for us to scan all of these documents in advance and provide you an electronic version of the packet. We can also put it on the website prior to the meeting instead of after the meeting. We tend to put items that have been approved on the website, and we always have a paper copy available for the public but it would actually be more accessible for the public if it's done in advance and also for you to receive it electronically via email or with a disc, a CD so you could take it with you and look at it at any time.

So I wanted to get some feedback as to whether that would be something that all of you would like or if you want to continue with paper copies, or if it's half and half, but we make quite a few paper copies and just from an environmentally friendly perspective it would be nice if we could move to electronic packets and also for the public and just general convenience, although I know for some individuals it's more difficult to deal with an electronic version. But I wanted to bring that up for discussion as well.

CHAIR VIGIL: Commissioner Holian.

COMMISSIONER HOLIAN: Thank you Madam Chair. You may have a version scanned in, but I have to tell you with my eyes, I can't read a huge amount of stuff on the computer; it starts getting blurry. So it would be nice if there were at least one paper copy available that I could take home if I wanted to. So that's just my point of view.

CHAIR VIGIL: I'm seeing nods here.

COMMISSIONER STEFANICS: Madam Chair, I'm fine with that. I just want people to know my area of the county still does not have broadband, so sometimes we get on line and sometimes we don't get online, but I'm happy to do it. A lot of our other committees are doing it now, so –

COMMISSIONER MAYFIELD: Madam Chair, I did speak with Manager Miller on this and I'm fine with an electronic version. I also have difficulties with broadband in my area but I can make do with what's provided to me electronically and/or if there is a

disc as Ms. Miller indicated I could take that disc and download it.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I would like a hard copy for now, as Commissioner Holian brought up. Maybe over time I can get used to either having the disc or using it on the computer, but long hours of reading it on the computer I think would make it a little tough on me. But I'll do it later but for now I'd like a hard copy if that's okay.

CHAIR VIGIL: I'm very much in favor of electronic copies, so I would be fine with that. It's sounding to me like there's going to need to be a little bit of a transition. We will also have to make hard copies available for the public I think that we'd make available at the meeting. Those kinds of copies that we do as a standard practice for elected officials, the Clerk's Office, all of that. I think the electronic version would work. You may want to check with the other folks that we make copies available with.

MS. MILLER: Madam Chair, I appreciate your comments. At DFA I think I served on about 20 boards and half went electronic. I'll tell you one thing, you get that many binders in your office you just kind of get sick of paper. So I was kind of happy when some went electronic. But I agree; it does have its challenges and adjustments. So what we'll try to do is work out some system of transitioning that way and see if we can make sure that we have hard copies for those who would like to see that.

CHAIR VIGIL: Okay. Good.

MS. MILLER: The next item, I just want to give you kind of an update. The sole community provider request came in but we are filing for an extension on that. As I mentioned last Tuesday at our study session the difficulty in the sole community provider is the funds for that come out of funds that also compete with some of our other issues like RECC, inmate healthcare, our indigent fund, fire, EMS, so it's a difficult to put one item forward without looking at the overall pressures on that area of the budget. It's really difficult and so I don't want to bring something forward until we can look at the impact and adjustments that would need to be made. This is one of the areas that we have used cash to fund the FY 11 budget and we can't sustain that same level of funding in FY 12 so I wanted to be sure that you got to see the whole picture and I'll be providing you with that information probably at the next meeting but also just in some discussion so you can see the number of pressures on those funds before you make a decision on the sole community provider budget.

CHAIR VIGIL: Okay.

MS. MILLER: So we have filed for an extension on that.

CHAIR VIGIL: Okay.

MS. MILLER: And then the last item, which is the item actually on the agenda is the legislative priorities. I don't know – if you had any questions on sole community Steve is here as well.

COMMISSIONER STEFANICS: Madam Chair, I had to leave the retreat the other day. Is there some materials that were printed about the request that came through, or what is the request?

STEVE SHEPHERD (HHS Director): I don't have the full request with me but I do have the numbers on a summary sheet here that Teresa can pass out.

COMMISSIONER STEFANICS: Well, Steve, if you would just send it to me electronically.

MR. SHEPHERD: I'd be happy to.

COMMISSIONER STEFANICS: So I can look at it before the next meeting. I'm happy to review that. I do recognize – and this is more editorial, Madam Chair, than anything. I do recognize that we're going to continue to be asked for more and more and that in our budget tightening times that's not always possible, so I'm interested to see what the new request is. Thank you.

MR. SHEPHERD: We'll get you the full information.

COMMISSIONER STEFANICS: Thank you.

XIV. A. 1. Discussion/Review and Adoption of the Santa Fe Board of Commissioners 2012 Legislative Priorities

MS. MILLER: Madam Chair, Commissioners, as we discussed also last Tuesday in the study session there's quite a few issues that will probably come up during this year's 2011 legislative session at the New Mexico Legislature, as well as some federal priorities. What I wanted Rudy and Joseph to have to do was to actually give you what all of the priorities that the New Mexico Association of Counties has put forward, which we may or may not be in agreement with; it depends on the issue and how it's actually presented in a piece of legislation. Also to let you know what the Municipal League has put forward for municipalities, plus a look at a resolution that was put forward by Bernalillo County of their priorities, and then kind of a summary of what we think also would be in general applicable to Santa Fe County.

So what I've asked them to hand out to you is a packet of materials for discussion purposes. [Exhibit 4 & 5] As we also talked about last week and also today, there's not likely to be much in the way of capital outlay available if any. But that said, we still have put forward a list of priorities back in I believe that was November – or I'm sorry, September, as required by DFA, and those are in your handout as well. So with that I think I'll turn it over to Rudy and Joseph to discuss some of the pieces of legislation – not specific pieces of legislation but issues that will be put forward this year that we want to pay particular attention to.

RUDY GARCIA (Community Services): Madam Chair, Commissioners, my name's Rudy Garcia with the Community Services Department. Madam Chair, I don't know how you all want to actually handle this but as Katherine said, this is a – in your packet what we handed out to you was actually a packet of the legislative priorities of the New Mexico Association of Counties, as she mentioned the Bernalillo County resolution that listed a lot of procurement issues, it looks at a lot of correction issues, and also the New Mexico Municipal League priorities for this year.

There's probably like two or three of the New Mexico Association of Counties as well as the Municipal League that actually overlap that they both agree on. So I don't know if you'd like for me to read the list or how you want to handle it.

CHAIR VIGIL: If you could just highlight it and if we have questions I think --

MR. GARCIA: I'll go over some of the things that I think are going to be very important to the County and then please jump in here if you have any questions. As directed by the County Manager we actually sent this to all the department heads, Procurement, Community Services, the County Assessor. There's several of the County Clerk, there's RECC. Several departments that have actually already looked at this list and have already commented with the New Mexico Association of Counties along with the Municipal League, so they are definitely aware of some of these issues. The issue that the County Manager would like for me to work with on a one-to-one basis, due to Bernalillo County's resolution, because there are a lot of correctional issues in that resolution which definitely makes sense to our correctional facility out there on State Road 14. So I will be meeting with Annabelle, the director, as well as with the County Manager.

The property tax solutions, you all may have read -- well, actually the Session begins January 18th, this next Tuesday at 12:00. The last day for bill introduction this year is going to be February 17th. There still isn't a time on that. It's up to the different -- whether it's a House Speaker or the Senate Pro Tem to call for those times. And the last day of the Session is March 19th at 12:00.

A property tax solution -- in the past we've read about the tax lightening issues which is placing a cap on overall valuation. Our new Deputy Assessor, which is Mr. Perez here, actually created and drafted this legislation with a very good idea. If you have any detailed questions on it he actually is here to answer any questions, and it is a very difficult, sensitive, complex issue.

COMMISSIONER STEFANICS: Madam Chair.

CHAIR VIGIL: Commissioner Stefanics.

COMMISSIONER STEFANICS: I would like to know more about this bill.

CHAIR VIGIL: In explaining the bill I'd also like to know if we know what position the Association is taking on this and also if it conflicts with any other county's position.

GARY PEREZ (Deputy Assessor): Thank you, Madam Chair, Commissioners. My name is Gary Perez. I'm the new Chief Deputy Assessor for Domingo Martinez here. I was the former County Assessor in Doña Ana County for eight years. Actually I didn't draft the legislation that's going to be proposed. Jim O'Neill who is a consultant for the Association of Counties, is the one who drafted the bill. I came up with the idea, proposed it to the Assessors Affiliate, put it on a spreadsheet as to how it would work and Mr. O'Neill has drafted legislation that we're going to be putting forth here as soon as the Session starts.

Would you like to know essentially what it entails?

COMMISSIONER STEFANICS: Well, Madam Chair, the questions I have

are would this hurt county residents? Would this bring us in new money? What's controversial about it? What establishes some fairness or equity in the bill?

MR. PEREZ: Thank you, Commissioner. Madam Chair, Commissioners, to actually address the chair's first question, it is one of the NMAC's priorities, it was voted as a priority. It was one of five priorities that we have, so it's a very serious issue. We are – the Assessors are trying to finally put this property tax lightening issue to rest. I believe that our idea will probably not hurt taxpayers; it will continue to help them, and as I explained it here you will hopefully understand it. I'm not sure it will bring us anymore revenue because it's essentially something similar to what we have currently in place.

If you know anything about the way the valuation system works and the way that the cap value works let me explain it to you. Currently, the Assessor is required to value the property. So let's assume that we have valued the property at \$100,000, let's say last year. This year we cannot raise that property value by more than three percent. If the market value of that property is, say, more than \$103,000, then that valuation for the next year would be at no more than \$103,000. That's a cap value of three percent per year. Okay. That's what we currently have in place.

The Assessors Affiliate, the group of Assessors, feel that the way that the law currently is is it creates inequities amongst people, amongst homeowners and taxpayers, because you have certain people who are valued very low compared to the true market value and others who are valued very high compared to their true market value. And this is what we call the tax lightening, this is where this came about is the tax lightening is created, supposedly, when a property sells in one year, the property is required to be lifted by law and the valuation must be returned to full market value in the next year. So if we had a house valued at \$100,000 and it sold for \$500,000 that next year the value would go to \$500,000. That's where the tax lightening comes in.

So that's where the problem lies, that's where the problem in the constitution came about and we're attempting to fix it. This has been a problem for about three years now. No one has come up with a solution. The legislature, last year's legislature there was about 17 property tax related bills. Many of them were fixes for this problem but none of them passed. There was actually two bills that were actually very, very close to getting passed and one of them was to just cap everything, cap all the sales that occurred in the following year and just cap everything at three percent. The other one lifted the cap, did away with the cap value, raised values to full market value over a period of five years, brought everything to market value in five years, and then recapped everything at three percent at that time. That bill was designed to remove the inequities that are currently in place in many of the counties throughout the state.

What I have come up with, after hearing all of the solutions that everyone else has tried and realizing that there's only really two solutions to be equitable. To repeal the cap value law and raise everything to market value. That's the only real solution to do away with inequities in the system. But this would really affect people; it would hurt people tremendously. Valuations would rise and in the first year that you implement this taxes would

go up considerably for many, many people. The majority of people.

But the Assessors are most concerned with the inequities, so we came up with something different. Because it looks as if we were headed in last year's legislature towards just capping everything. So what I thought of was why can't we still cap valuations but yet let us do our real job. Our real job is to value property at market value. That's what we're most concerned with. When we go into a protest hearing we are going in saying this is what we value the property at and we're defending that value and we have to show the board how we came up with that valuation. So what we believe we can implement is to reappraise all properties to full market value but keep the cap value, but keep it on the taxable value side. Everybody knows what the taxable value is. The taxable value is the portion that you are actually taxed on in your tax bills. The taxable value is one-third of the full market value.

So if we were to assess a house at \$100,000, it's taxable value is \$33,333.33. We then multiply that times the tax rate to derive the taxes. All right. So the first year, this is how this idea would work. In the first year we implement, let's say the true market value of this house is really \$125,000. In the prior year it was valued at \$100,000. So that's an increase of 25 percent on the full market value. We would display the \$125,000 of the full value on the notice of value that the Assessor is required to mail out, but on the taxable value we would cap that by three percent. So the taxable value would only be \$34,333.33, whereas the taxable value on \$125,000 is really \$41,666. So we would maintain the cap value but we would still be able to show the true market value.

This would do a couple of things. It would let the property owner actually see what the benefit of this law is to them, the cap value law. So it would do that. It would also let all assessors keep the correct information for all market value within their county, because we'd have the true market value, then we'd have the capped value. We could actually see the difference in the two numbers and we would know how much valuation we're losing in the tax base.

COMMISSIONER STEFANICS: Thank you, Madam Chair, and I'd like to welcome you to your job.

COMMISSIONER ANAYA: Madam Chair, on that point.

CHAIR VIGIL: Yes, Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Perez, I think I got what you said. As it stands now before the law, the cap was put into place and correct me if I'm wrong, to avoid people having to have excessive increases in taxes. For example, Santa Fe, Village of Galisteo. Traditional families have been there forever. Don't have a lot of resources, if you will, at times, were protected against large increases to their tax base because the neighborhood became very popular with the influx of people moving in. Is that right?

MR. PEREZ: Madam Chair, Commissioner Anaya, that is correct.

COMMISSIONER ANAYA: Okay. So I could understand what you just said as a viable solution is to allow you to continue to raise the increment of value but keep the tax the same or off of the same cap. Is that correct?

MR. PEREZ: Actually, it would just cap the taxable value, which would only

allow your taxable value to go up by no more than three percent. Yes.

COMMISSIONER ANAYA: So you're just deferring the lightening over time if you do that. When the property would change hands it would then go to the appraised value/market value?

MR. PEREZ: Madam Chair, Commissioner Anaya, no. The cap would then apply to all properties, even properties that sold. So a property that sold would be allowed to go up in its taxable value no more than three percent of what it was in the prior year. Tax lightening would go away.

COMMISSIONER ANAYA: But in your example, if it was appraised at – you used \$100,000 and the market value was \$500,000, then in essence you're guaranteeing to that homeowner that they're going to pay that additional three percent period until at what point in a future year – so their tax is always going to go up three percent, they're going to know, until they get to the \$500,000.

MR. PEREZ: Commissioner, that's correct.

COMMISSIONER ANAYA: So that's the piece I guess I have concern with.

MR. PEREZ: If they are behind in the market value by that much then it's going to take a long time for that taxable value to catch up to its true market value unless we have a drop in the market like we did recently or are experiencing now.

COMMISSIONER ANAYA: Madam Chair, Mr. Perez, for the person who had no control over the environment which they lived in, but still have only a fixed income I would be concerned with what you said as a solution. I'd want to learn more. But in essence, what you're saying the solution is allow that three percent every year and the assumption that people would be able to afford it. And I know of areas throughout this entire county, traditional long-standing families that have been in their homes for years and years that that would be a burden. So I want to learn more. I do welcome you to the County, but I want to learn more about that particular bill. Thank you.

CHAIR VIGIL: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Thank you, Madam Chair, and welcome aboard and it was fun going through orientation with you the other morning. A quick question, and you brought it up. In today's recessionary times and I don't know if it's indicative of this area or not, do you all do any rollbacks?

MR. PEREZ: At this time, Madam Chair, Commissioner, I don't believe there's any rollbacks planned for Santa Fe County.

COMMISSIONER MAYFIELD: Have you done any market analysis of –

MR. PEREZ: I would have to defer to our Assessor, Mr. Martinez. He's not here right now but as far as I know – I know there are many properties that are seriously undervalued compared to their true market value in this county.

COMMISSIONER MAYFIELD: But are there any that are overvalued?

MR. PEREZ: If they are overvalued they would probably have been protested and they're being worked on to be lowered.

COMMISSIONER MAYFIELD: Thank you.

CHAIR VIGIL: Thank you. Thank you very much and welcome aboard.
Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Madam Chair. Thank you, Mr. Perez for your presentation. What would happen if there was a house in a neighborhood that sold the year before this legislation passed and it was at \$500,000 valuation. Yet the neighboring house then would be pinned, even if it sold. So you would still have inequities in neighborhoods under this, correct?

MR. PEREZ: Madam Chair, Commissioner Holian, yes. You would still have inequities under this plan. That's the problem. You either bite the bullet and you get rid of the cap and you revalue everything and you get rid of the inequities, or you don't. There's really no middle ground. There's been a lot of discussion about rolling back values to 2001 market values, when this law was implemented, but we're actually, I believe very close to a 2001 market value right now. We're probably at a 2003 market value. I have not looked at sales myself yet in this county for properties but in these economic times I believe that we're very close to that market value. So now would be the time to do this.

Your question about what would happen if a property sold the year before we implemented this. Unfortunately, the way that we're doing things now and 32 other County Assessors, 31 other County Assessors, including Mr. Martinez is doing is following the way the law currently reads. The way that the law currently reads is that when a house sells in one year, in the following year we lift the cap value and it goes to full market value. So that property would probably experience tax lightening in the year before any type of legislation is implemented.

COMMISSIONER HOLIAN: So it would only help future properties that sell, not properties that had just sold previously?

MR. PEREZ: That's correct.

COMMISSIONER HOLIAN: Okay. Thank you, Mr. Perez.

CHAIR VIGIL: Thank you. Thank you very much. We have the vote centers. Do you want to brief us on that?

MR. GARCIA: Sure. Madam Chair, Commissioners, just on that last property tax solution, I know they have been meeting with the chairman of Tax and Revenue Stabilization Committee, Ed Sandoval. He has yet to commit to actually carrying a bill. So that still leaves no sponsor on that bill.

The second one, the voter centers, the voter centers would actually give any County voter the option to go to a voter center and vote. There pretty much not at your precinct. In speaking with the County Clerk she actually says this would actually eliminate the number of ballots, polling places and therefore would save, money, time, ballots, printing, and this is actually a local option.

The 911 surcharge is something that –

CHAIR VIGIL: On that, Commissioner Stefanics.

COMMISSIONER STEFANICS: I'm sorry. So if this passed and it was a local option, the voters would have to vote on that, Steve, or it would come to us for a

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decision?

MS. MILLER: Madam Chair, Commissioner Stefanics, my guess is it would probably come to you, but I haven't seen the bill.

COMMISSIONER STEFANICS: But they use the term, though, local option, usually it goes to the voters.

MS. MILLER: Madam Chair, not necessarily. It means that each individual local government can decide, usually. So I don't know if it goes to the voters for that. My guess is that just on this type of legislation usually that would be something that each county or local government could decide whether they wanted to do individual precincts so they did voter centers. And probably would deal with budgetary issues as well. I haven't seen this particular draft of the bill. We wanted to just make sure you knew what was out there. On some of these, one of the big issues, when a bill is actually introduced and we can do an analysis, what we want to do is kind of give you the pros and cons. Because from the Board's perspective one thing might be convenient, say, for the Clerk's Office or a better thing for the Assessor's, but from a Board perspective you have to look at the budgetary impact of it.

So what we'll want to do is provide you information so you understand both sides of it, that it might be better voter convenience, easier to administer from a Clerk's perspective, hence the reason that perhaps the Clerks Affiliation or Assessors Affiliate might want to do that, but for a County Commission you have a lot more to consider from budgetary demands and perspectives as well as how it might impact your individual districts and voters. So what we wanted to do is just kind of let you know what we understand is out there being brought forward from the County perspective or a municipality perspective that would have a significant impact on the County and as we actually see the bills give you a good analysis of the pros and cons from an overall County perspective.

COMMISSIONER STEFANICS: So, Madam Chair, perhaps when these bills are introduced we could get a written analysis from our staff so that we could look at it and decide how we feel as Commissioners about it. Thanks very much.

MR. GARCIA: Madam Chair, the next one is actually the E-911 surcharge which includes everyone that basically has a land line or a cell phone. They pay 51 cents into a DFA grant fund. That was actually on your agenda earlier where I think Ken Martinez actually and Commissioner Anaya had a question on it and Ken gave a brief summary on that. What this bill actually does it would actually allow the County to collect [inaudible] Basically, that money is actually used for training, network and equipment costs related to all these E-911 services. The bill actually would be to expand and include voice override, internet protocol, which is VoIP, and prepaid wireless telephone and phone card services. Those services actually don't have to pay that fee or that tax right now.

The right-of-way fees is actually – right now it authorizes the County to collect right-of-ways fees for a County, public highways fees or alleys??? Currently the law authorizes municipalities to enter a right-of-way agreement for the purpose of construction and operation of public utilities and/or right-of-ways. This bill would actually grant a lot more authority to the counties to do the same exact items for right-off-way fees anytime a utility,

Qwest, goes into a county road or sidewalk, the same abilities that the municipalities currently have.

The hold-harmless provisions, this would protect local governments by retaining full hold-harmless protections from the effect of removing gross receipts tax from food and medicine. There will be bills introduced regarding the hold-harmless provisions, the impacts on the entire governments throughout the state is about \$27 million and it's approximately about \$4 million that the County would actually take a hit. In speaking with our Manager, she's very familiar with this bill and how it worked last year and we actually would oppose any legislation which reverses the hold-harmless provisions without a compensating revenue source to the counties or County.

The other three are in mentally ill in detention facilities. That's actually a study that will be brought forward again by Representative Miera. So that is actually a study to start looking at what we're going to start doing with the facilities when we get mentally ill prisoners or patients in there.

Return to work, that's actually the PERA retirement act. We actually are definitely interested in that from anywhere from our correctional officers, our public safety officers, transport officers. We'll keep an eye on that bill. Procurement code modifications, you have it in your packet there. Bernalillo County, seems like they want to amend almost a large portion of the procurement code book. Our procurement manager, Corky Ojinaga did go through those item by item and he actually – these are the two or three that he is in favor of.

Capital outlay funding – as you know, as Joseph mentioned earlier. Commissioner Anaya was asking about some of the projects we have ongoing. We will definitely fight and make sure that those capital projects that we currently have money for that we will give them a detailed description that we need those monies. We are actually under construction for some of those projects. We are going to get them constructed. As you know, we submitted an ICIP plan that's required by the County to DFA back in September of last year, and these are the top five priorities that we submitted through resolution to DFA and which we will fill out some capital outlay requests. I know everybody is questioning whether there is capital outlay or not, but one of them is our Santa Fe County fire equipment. We'll have the RECC facility expansion and equipment, some Santa Fe County Public Works equipment. Santa Fe County corrections facility improvements, and Santa Fe County public housing sites.

With that as you see there at the bottom, we'll continue to monitor and track any legislation that is introduced that might impact the County as the Manager has explained to me. We will do that. Staff will continue the efforts in assisting all the governmental entities, the New Mexico Association of Counties, the New Mexico Municipal League, the City of Santa Fe, and other governmental entities as we've done in the past with our pueblos and up north. So we have assisted them.

Some of the other issues we'll be looking at is either going to be some housing issues, sole community provider legislation. You don't have this in your packet but myself and the Manager and Joseph talked about this. Ability for counties to change franchise fees. Commissioner Holian actually did email me back on that. That was one of her concerns. The

DWI interlock fund – it's actually a fund that has to do with the liquor excise tax distribution that we've been talking with Steve Shepherd's shop on that.

Additional items that we've actually talked about in the last couple of days with the Manager, which she actually wants to do this year is create a legislative team. The legislative team – we'll actually all be emailing all of the directors and as Commissioner Stefanics mentioned, as these bills come out we will actually see who's responsible from each department, whether it's Fire, whether it's Health, to actually give a full, detailed bill analysis that will actually come through myself to you all, and we still need to create this process as to how we're going to get this information to you all, whether it's through a text, whether it's email, but we are working with the County Manager on that and she definitely will be in communication as to how that's going to happen.

And last is, as we had last year we will continue to have our legislative meeting over there at the capitol and go through these items that we have submitted with our local delegation and we're actually looking at that being on the 1st of February, and we're roughly looking at possibly going over there somewhere between 9:30 and 10:00.

COMMISSIONER STEFANICS: I'm sorry. So on the 1st of February is when we might meet with the delegation?

MS. MILLER: Madam Chair, we were just trying to pick a day to start trying to work with them. We haven't contacted the delegation as to availability but we're looking at that first week in February and that first Tuesday is the 1st. If we can do it on a Tuesday we thought that might be better, just since it tends to be a day that we leave for Commission meetings anyway. But it's not set in stone. We're going to look for some alternative dates but that was what we were going to try for, something around that time frame.

COMMISSIONER STEFANICS: So, Madam Chair, that's about two, three weeks into the session? The only thing I would say is about the time. Usually committees are going on in the morning, and they go onto the floor sometimes by 10:00. So we've been lucky to actually have their attendance like at really early hours in the morning. So I'm just wondering if we might want to revisit that.

MR. GARCIA: Madam Chair, Commissioner Stefanics, I will work with the County Manager but we will definitely take that into consideration.

CHAIR VIGIL: On that matter, Rudy, last year we had it like the week before the start of the session. Wasn't it the week before? They were all going to be there anyway? Is that accurate?

MR. GARCIA: Madam Chair, yes, that's accurate. It was roughly a week before the session and it was actually a lunch meeting we had with them.

CHAIR VIGIL: Luncheon or breakfast?

MR. GARCIA: I believe it was luncheon.

COMMISSIONER STEFANICS: Madam Chair, last year it was a luncheon in the House lounge. The year before it was a breakfast here in our chambers. The issue is this year the LFC is not having their advance budget hearings, so all of them are not necessarily going to be in the building before the session starts.

CHAIR VIGIL: Ah. Okay. Let me let Ms. Miller address that.

MS. MILLER: Madam Chair, that was one of the issues that we talked about. First of all, last year was a 30-day session; this is a 60-day session and their first week it's usually just about impossible to get them on a schedule and they're not in early. So the second week was your Commission meeting week. We were going to try to some time, at least so that if there was anything else that you wanted us to look at, work on, to bring forward to you on the 25th, something more detailed for you, so we could bring it to you on the 25th, make sure that everybody was all on the same page then, and then schedule something with them even later that week or around the 1st of February. Because you still have -- if there's something that you wanted to have introduced as a group, that you wanted us to do, we have time to do that. So that was the reason for the timing, since it is a 60-day session. You have to have 17th for introductions and stuff, plus getting a sense of what has been introduced that does affect the County and having a chance to look at some of that and give some detailed talking points on pieces of legislation, since we wouldn't be sitting there talking about capital outlay for the whole breakfast.

CHAIR VIGIL: That's a good strategy. Any other comments here, about timing?

COMMISSIONER HOLIAN: Well, I'll just say that I've already committed to a trip and I'm going to be gone the 1st of February but maybe there's another way that I can give input.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, Katherine, Mr. Garcia, I have a couple of things. I appreciate the fact that we have a former state legislator that sits on the Commission and I know that it's important to get as much information as we can over time. Going forward I think for next year's session I think we can get way ahead of the curve together, working together, taking into consideration we have Ms. Miller as the new Manager.

But a few items. Madam Chair, Mr. Garcia, on the handout that you passed out, and I would agree with Ms. Miller's assessment that the next meeting might be a better place to get into more detail on some of these items and then have maybe a formal ratification at that time of some of the priorities. But on the memo it says that Santa Fe County NMAC -- like right-of-way, for example. It says NMAC is in support of this and Santa Fe County supports this bill. When you say that is that a formal action taken by this Commission? Or in the past? Or what are you saying there? Are you saying that staff supports it? Help me understand what you're getting at there.

MR. GARCIA: Madam Chair, Commissioner Anaya, I think I might have a little jumped the gun on that in putting that in this memorandum. And as you mentioned, maybe at the next meeting we can actually come and actually, possibly as the Manager has mentioned to me a couple days ago, come with a formal resolution as to the items the Board as whole actually adopts.

COMMISSIONER ANAYA: Madam Chair, I appreciate that because I think

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it would be helpful. I think a lot of these are probably easy ones to support, but on that first item, I think the Deputy Assessor should be given the opportunity to give us a presentation on that item in more detail. Based on what I heard I expressed that I would have some concern about supporting that outright. But I think we could give him the benefit of the doubt, maybe, Madam Chair, and get more specific information on that and the other items contained in here.

One item that, Mr. Ross, I had brought up at the study session that I do want to bring up with the rest of the Commission is that, it was my understanding and correct me if I'm wrong because I want to make sure I get it right. It was my understanding that one of the considerations that the Commission had taken in recent months in evaluating the committee structure in Santa Fe County was this provision in state law that I brought up in the study session the other day that said if a governmental entity I guess, had volunteer boards, and that if an individual requested mileage and per diem, that somehow we're obligated in state law to pay that. Is that correct, Mr. Ross?

MR. ROSS: Madam Chair, Commissioner Anaya, that's correct. It's the Per Diem and Mileage Act.

COMMISSIONER ANAYA: Madam Chair, Mr. Ross and Mr. Garcia, I've already started to have conversations with legislators on this item, just to get background and information. And Mr. Mayfield and I had the pleasure of going to the Los Alamos National Labs meeting this morning that was all about volunteerism, and the work that volunteers do. I think in our current economic climate the last thing that we want to do is discourage people from volunteering or reduce the number of volunteers that we try to access into our committees. I know, what I've heard, that was a basis for some of those discussions.

So between now and the 25th if it's okay with you, Madam Chair, I would like to see if we could get some more information on that particular statutory language and that we might include language of our own to the legislature to clarify any ambiguities in the Per Diem and Mileage Act and make sure that we're not constrained by that type of legislation. Just as one individual, Representative Wallace who represents the La Cienega portion of Santa Fe County expressed that she would be happy to look into that further and support something like that. So for now I'd just like to see if we can get some information together, present it to the Commission on the 25th, possibly, and any other items, because I know the legislature is an item in flux and things change and that you'll be bringing stuff to us. I'd like to be included on those meetings and meeting notices relative to your team, Mr. Garcia, so Madam Chair, thank you very much.

CHAIR VIGIL: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Madam Chair. I'm going to suggest that we, depending upon when we actually set a breakfast, a lunch, a meeting with the legislators, that we send them an immediate letter saying we are planning to host you for a discussion so they don't think we're ignoring them. They already are going to three, five, seven item meetings a day around legislative requests and I would hate for our legislators to think that we're ignoring them. So if we could send out, Katherine, some kind of

correspondence from you and the chair just saying we're looking forward to a future meeting with you and we're working it out, or something like that.

COMMISSIONER ANAYA: Madam Chair, on that point. Commissioner Stefanics, I think that's an excellent idea and I would just suggest that we include in the language requesting of them to let us know what their priorities are. I think a lot of times, jurisdictions, people get caught up in the things that we're seeking or wanting for our own jurisdiction, but I think if we better understand what their needs are and what their priorities are we may be able to help them achieve some of their goals. So I appreciate that and would support that wholeheartedly.

CHAIR VIGIL: Okay, are there any other items on the legislative update?
Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Madam Chair. This is just an FYI for the Commission and for Rudy on the issue of qualified energy conservation bonds. These are bonds that are issued at the federal level. They're very low interest, like three percent, and they can be used for qualified energy conservation projects like our Renew Santa Fe program. Right now the state has an allocation of \$20 million, and then how that's allocated within the state to the different counties depends on population. We know that a lot of the counties are not going to access this money, so Duncan Sill is going to be working with an aide to Senator Wirth and he is going to write legislation that allows for, if there's any unused money, for other counties to be able to allocate them. So this is just an FYI for everybody. Thank you.

CHAIR VIGIL: Anybody – Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, Mr. Garcia. It was a great presentation, so thank you. Rudy, are you aware if there's any talk or initiative made by the Association of Counties or the New Mexico Interstate Stream Commission as far as how counties, or to clarify any language that counties are in a position to be able to assist other government agencies such as local acequias?

MR. GARCIA: Madam Chair, Commissioner Mayfield, at this time I'm not aware of it. I've been hearing in the background talks about how the legislation might get submitted, but I haven't seen anything. So no, I'm not aware of it.

COMMISSIONER MAYFIELD: Madam Chair, Mr. Garcia, do you mind following up with Mr. Gutierrez? I'll also put a call into him and also, maybe – I believe it's Ms. Paula Garcia?

MR. GARCIA: Yes.

COMMISSIONER MAYFIELD: Thank you.

CHAIR VIGIL: Okay. Anything else? Ms. Miller, did you have anything to add?

MS. MILLER: I think also, the only other thing – so that was it on the state legislative issues. What I would like is I do have – I have asked Ambra to get with Commissioner Anaya and Commissioner Mayfield about setting up a time for standing meetings. I have currently weekly ones with Commissioner Vigil to go over the agenda and then I also work with Commissioner Stefanics probably pretty much every other week. But

what I would like to do is set one up specifically to deal with some of the stuff relative to your concerns with all of you over the next week concerning the legislative session. Santa Fe County hasn't typically gone with pieces of legislation. They've gone more with just looking at just capital outlay. So this is kind of a new process, trying to get everybody to think a little differently about how we can actually press forward with changes in statute that would be more beneficial to us on a recurring basis.

So with the growing pains of trying to get everybody to think a little differently and come forward with an agenda that is more comprehensive with just capital outlay, trying to get there, trying to make sure we do have at least some of the bigger items to go after and work with as Commissioner Anaya even indicated at the study session, put together, particular Class A counties that have such huge jail costs. They're not necessarily – they might be Association of Counties issues but they really, really impact perhaps Bernalillo and Santa Fe more than anything else and ways to look at changing legislation or state statute to help with maybe our more pressing and specific needs that might not be represented at the Association of Counties or by smaller counties but might be particular to two or three counties working together.

So we're trying to do that, and as I said I've met with a couple of those county managers to try to identify those issues and try to find a way that we can work together to tackle that but it is kind of a process we haven't had in place before. So I'd like to meet with all of you over the next week before the next meeting to make sure that I address some of the areas that you're concerned about and can assign some people, if it's draft legislation, work on drafting legislation, or finding out the information that you'd like to know and making sure that we'll get you copies of bills that are introduced in the areas that you're concerned about. And we do analysis of those.

So that's kind of where we are on the state stuff. I did add some of the issues, I think there's just four little bullets about the stuff from a federal delegation standpoint so that you understood what we would be talking to our federal delegation about, if we have opportunities to meet with them, but if there's anything else you'd like added to that or if you have questions about that, please let me know that as well.

And that's all I have, Madam Chair, as the Manager.

CHAIR VIGIL: Thank you, Katherine. We'll be relying on you quite heavily for your legislative experience. That is one thing I definitely appreciate that you bring to your position.

XIV. B. Matters From the County Attorney

1. Resolution No. 2011-3. A Resolution Determining Reasonable Notice for Public Meetings of the Board of County Commissioners of Santa Fe County and for Boards and Committees Appointed By Or Acting Under the Authority of the Board of County Commissioners; Rescinding Resolution 2010-5

MR. ROSS: Madam Chair, each year the County Commission and other boards and Commissions in the state have to determine the public notice that that board or Commission considers reasonable for its meetings in the upcoming year. This has to be done annually. It doesn't have to be done at any particular time but the practice here has been to do it the first meeting of the calendar year so we don't forget.

Actually, the resolution is identical to the one from last year, requires ten days publication notice of a regular meeting of the Board which is defined as this meeting, what we call the land use meeting, the second Tuesday of the month, and the administrative meeting, which is the last Tuesday of the month. It requires three days newspaper notice of special meetings, describes how those meetings are going to be called, and also provides for at least 24 hours of emergency meetings, or if 24 hours is not feasible, as much time as can be provided.

The resolution requires that we post a copy of our agendas at least three working days prior to the meetings. Our practice has been to post them around ten days prior. It also requires as the Open Meetings Act requires that a final agenda be prepared and posted no earlier than 24 hours before the meeting. It has provisions for how to recess a meeting and reconvene it at some other time, how to cancel a meeting and how members can participate by conference telephone should that become necessary. It has a brief statement of how to get in and out of closed sessions, and also recites, as Madam Chair, you stated, that the resolution applies to all the County boards and committees and task forces, whatever, that operate under your authority, with the exception of the boards listed, which are the ELUA, the ELUC, the Buckman Direct Diversion Board, RPA, the RECC, and other of the joint entities. The reason for that is those entities do an annual Open Meetings Resolution themselves. There's no need for us to do it here.

With that, I'll stand for questions.

CHAIR VIGIL: Any questions.

COMMISSIONER STEFANICS: Madam Chair.

CHAIR VIGIL: Commissioner Stefanics.

COMMISSIONER STEFANICS: I'll wait. There's a question.

COMMISSIONER MAYFIELD: Madam Chair, Mr. Ross, we had a brief discussion of this this morning. Participation by telephone is allowed. Mr. Ross, though, my question was meaning of quorum of memberships of a board, specifically pertaining to the BCC. You indicated that because there is a quorum it doesn't necessarily have to be a

majority – or it can be a majority of that quorum to take final action for this Commission? It doesn't have to be all five of us up here?

MR. ROSS: Correct.

COMMISSIONER MAYFIELD: And can you again elaborate to me a little more?

MR. ROSS: Okay. So a quorum of the Board of County Commissioners, being a five-member board is three members have to be present to conduct – have a legal meeting. And of those three members present, most items require a majority of members present to be passed, but there are some items, and that includes some types of ordinances and definitely any kind of a bond ordinance, requires a majority of the Commission members. So in some cases, if there's only a bare quorum of members present at a meeting and an item requires therefore three votes, all three members would have to vote in favor or it wouldn't be valid.

Other items can be passed with a simple majority of members present, so if there's a three member majority, or a quorum present at a meeting, and one person doesn't agree on an item two people can carry that item and the item is enacted or passed or approved, whatever it happens to be, with actually a minority of the Board of County Commissioners. That's how it can work. As a practical matter we usually have five people here but sometimes it doesn't happen.

COMMISSIONER MAYFIELD: Madam Chair, Mr. Ross, thank you. And again, that cannot apply to ordinances? Or land use cases?

MR. ROSS: Certain types of ordinances and bond matters. But it does apply to land use matters. Just a majority of members present, as long as a quorum can pass a land use item as well.

CHAIR VIGIL: Commissioner Stefanics.

COMMISSIONER STEFANICS: Madam Chair, I move approval of Resolution No. 2011-3.

COMMISSIONER HOLIAN: Second.

CHAIR VIGIL: Any further discussion?

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

- XIV. B. 2. Executive Session**
- a. Discussion of Pending or Threatened Litigation**
 - b. Limited Personnel Issues**
 - e. Contract Negotiations Under the Procurement Code**

CHAIR VIGIL: Mr. Ross, we need an executive session for what purposes?

MR. ROSS: Madam Chair, yes, we need a closed executive session. What we're going to do today is discuss pending or threatened litigation and what the plan is is to

review all of the pending and threatened litigation, or the pending litigation we have in front of us for the benefit of the new Commissioners. And we also need to have a brief discussion concerning contract negotiations under the procurement code for a procurement that has originated from the Manager's Office.

COMMISSIONER HOLIAN: Madam Chair.

CHAIR VIGIL: Commissioner Holian.

COMMISSIONER HOLIAN: I move we go into executive session where we will discuss pending or threatened litigation, all of it, plus contract negotiations under the procurement code.

CHAIR VIGIL: I need a second.

COMMISSIONER STEFANICS: Madam Chair, I want to add another item.

CHAIR VIGIL: I will second it for purposes. You can amend it.

COMMISSIONER STEFANICS: Madam Chair, I would like to amend the motion to include limited personnel issues.

CHAIR VIGIL: Okay. Is the maker of the motion okay with that?

COMMISSIONER HOLIAN: Yes, I am.

CHAIR VIGIL: The seconder is also okay. Is there any discussion on this further?

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR VIGIL: Commissioner.

COMMISSIONER MAYFIELD: Madam Chair, Mr. Ross, we had a discussion on this also. Some of my concerns with going into executive session is that we do try to state a little more definitively what we are going into executive session on without violating anyone's rights. But a procurement matter – could you give me some general direction of where we're looking at, for what procurement issue?

MR. ROSS: Madam Chair, Commissioner Mayfield, I believe it's a solicitation for an RFP for analysis of the Assessor's Office.

CHAIR VIGIL: We're going to need a roll call on this.

Pursuant to NMSA Section 10-15-1-H (7, 2, and 9) the Commission voted by unanimous roll call vote to meet in closed session to discuss the matters delineated above with Commissioners Anaya, Holian, Mayfield, Stefanics and Vigil all voting in the affirmative.

CHAIR VIGIL: How much time do you think we'll need for this?

MR. ROSS: Madam Chair, I think we won't need more than an hour.

CHAIR VIGIL: Shall we say we'll be back out here at 6:15? Okay.

[The Commission recessed from 4:55 to 6:35.]

COMMISSIONER STEFANICS: I move that we come out of Executive

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Session having discussed the issues in the agenda and possible contract negotiations under the procurement code.

CHAIR VIGIL: I have a motion is there a second?

COMMISSIONER HOLIAN: Second.

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

COMMISSIONER STEFANICS: Madam Chair.

CHAIR VIGIL: Yes, ma'am.

COMMISSIONER STEFANICS: I move that we reconsider the earlier 2011 Board appointments.

CHAIR VIGIL: I have a motion. Is there a second for that reconsideration?

COMMISSIONER HOLIAN: Second.

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

CHAIR VIGIL: Your motion, Commissioner Stefanics.

COMMISSIONER STEFANICS: Madam Chair, I noticed that Commissioner Holian had an overload on committees and after discussion I think that there's some recommendation for how that could be adjusted.

CHAIR VIGIL: I do believe that the discussion was that I would take over the membership of MPO and you [Commissioner Holian] would be the alternate. So is that the only change that we're going to be considering? Do I have a motion in that order?

COMMISSIONER STEFANICS: I'll so move.

COMMISSIONER HOLIAN: Second.

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

XV. PUBLIC HEARINGS

A. Growth Management

- 1. BCC Case # MIS 05-5520 Hacienda Del Alamo Master Plan Extension. Gaynl Keefe, Applicant, Jim Siebert, Agent, Requests a Two Year Time Extension of a Previously Approved Master Plan for Hacienda Del Alamo. The Property is Located within the Agua Fria Traditional Historic Community, at 4884 La Junta Del Alamo, within Section 31, Township 17 North, Range 9 East (Commission District 2) Jose E. Larrañaga, Case Manager**

JOSE LARRAÑAGA (Building & Development Services): Thank you, Madam Chair. On February 14, 2006 the Board of County Commissioners granted approval for master plan zoning to allow a mixed residential development and low-impact commercial

use on 2.19 acres. The approval included a variance of Article III, Section 10 of the Land Development Code to allow seven dwellings on the property. There is an existing 6,130 square foot structure on the site which was used by the Institute of Chinese Medicine, a 1,500 square foot building that served as storage for the Institution, and a 620 square foot guesthouse.

The proposed development consists of three phases. Phase 1 will consist of four new residential dwellings ranging in size from 1,600 to 1,760 square feet. Phase 2 will consist of three new studio apartments, each totally 960 square feet. Phase 3 of the development will consist of remodeling the existing dwelling and guesthouse.

Article III, Section 4.2.1.d. 2 states, Proposed mixed-use developments are allowed to locate anywhere in the county except the location of any specific commercial, or industrial non-residential use area designated by such proposals shall be subject to the purposes and intent of the subsections 4.2.3 and 4.1.

Article V, Section 5.2.1.b states, A master plan is comprehensive in establishing the scope of a project. It 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 for proposed development without the necessity of expending large sums of money for the submittals required for preliminary and final plat approval.

Article V, Section 5.2.7.b states, Master plan approvals may be renewed 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 to support this submittal. Mixed-use developments are allowed to locate anywhere in the county. A master plan is comprehensive in establishing the scope of the project. The application meets the criteria to allow a two-year extension of master plan. Staff's review of the applicant's request has established findings that this application meets the criteria set forth in Article V, Section 5.2.4, and Article V, Section 5.2.7 of the Land Development Code. Staff recommends approval of a two-year time extension for master plan zoning for Hacienda de Alamo, subject to the previously approved conditions. Madam Chair, I stand for any questions.

CHAIR VIGIL: Okay. My first question before I turn it over to the other Commissioners, are there any changes in this application from the original approval?

MR. LARRAÑAGA: Madam Chair, no.

CHAIR VIGIL: Okay. Questions? Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, thank you. Question: October 28, 2010 letter from Mr. Siebert, and I apologize if I have that last name pronounced wrong. The last sentence, the process to obtain community water and sewer has been a long and difficult process which is still ongoing. Has that been addressed?

MR. LARRAÑAGA: Madam Chair, Commissioner Mayfield, the original submittal was to use the Agua Fria water and I believe since the Agua Fria water hasn't proved 100-year availability that was a concern and that's why they haven't come forward for preliminary and final. They haven't ironed that out. But the approval was to be, to using,

from CDRC I believe, was to use the Agua Fria water and then it got approved and it was re-reviewed as not proving water availability. So the water issue is still there, yes. And they will not go forward when they come back for any kind of preliminary or final development plan they would have to address that at that time.

COMMISSIONER MAYFIELD: Okay. Thank you, Madam Chair.

CHAIR VIGIL: Any other questions?

COMMISSIONER MAYFIELD: One more point.

CHAIR VIGIL: Commissioner Mayfield.

COMMISSIONER MAYFIELD: On the description of land that you're providing to me there was a map that I was looking at and it was an exhibit, I guess Exhibit J would be the best exhibit that I'm looking at on the proposed site. Right adjacent to it on Lopez Lane, I believe that is a salvage yard or at least a wrecking yard service. There are no issues with that structure being adjacent to this property where they're proposing mixed-use residential and commercial?

MR. LARRAÑAGA: Madam Chair, Commissioner Mayfield, no. The salvage yard is non-conforming. It's been around since probably the early 60s, 70s. And this development, upon preliminary and final development plan would have to require some screening, some buffering between that and any kind of residential property around it and I'm sure that's going to be part of the proposal, just because of the property next to it and how it's being used.

COMMISSIONER MAYFIELD: And Madam Chair, on that point, the proposed site is aware that that has been a long-standing business in our county?

MR. LARRAÑAGA: Madam Chair, Commissioner Mayfield, yes.

COMMISSIONER MAYFIELD: Thank you.

CHAIR VIGIL: Are there any other questions of staff? Seeing none, Mr. Siebert is your client in agreement with all of this and is there anything you need to add?

JIM SIEBERT: Madam Chair, Commissioners, my client is in agreement with the conditions stated by staff.

CHAIR VIGIL: Okay. This is a public hearing. I am going to ask the public. But Jim, before you go, this is a project that is in my district and it was discussed in the Agua Fria Village Association. If we do move forward on this would your client have any difficulty in us moving forward pending review by the Village Association? And their concern for review would be just based on the question I asked preliminarily, if any changes have been made to this.

MR. SIEBERT: Madam Chair, Commissioners, we have no problem with that. We always do that as a matter of courtesy in any case.

CHAIR VIGIL: That's good to know. Thank you very much, Mr. Siebert. This is a public hearing. Is there anyone in the public that would like to address the Commission on this item? Okay, seeing none, may I make a motion? I'd like to move that we accept the recommendation of staff to move forward for a two-year extension pending the review of this case before the Agua Fria Village Association. Should there be any concerns or issues then

this case will be reconsidered at that point in time. With no concerns from the Village Association, then the two-year extension is applied. Are we okay with that?

COMMISSIONER HOLIAN: Second.

CHAIR VIGIL: Okay. Any further discussion?

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

- XV. A. 2. CDRC Case # V 10-5510 Rob Turner Variance. Rob Turner, Applicant, Linda Tigges, Agent, Requests a Variance of Article III, Section 10 (Lot Size Requirements) of the Land Development Code to Allow a Land Division of 9.1 Acres Into Two Lots. The Property is Located at 32 Timberwick Road, within Sections 19, 20, 29, and 32, Township 16 North, Range 10 East, (Commission District 4) John M. Salazar, Case Manager**
[Exhibit 6: Support Letter and Sunlilt Hills Water System letter]

JOHN MICHAEL SALAZAR (Development Team Leader): Thank you, Madam Chair. At the November 18, 2010 meeting the County Development Review Committee met and acted on this case. Their decision was to recommend approval by a unanimous 6-0 vote. As stated in the caption the applicant is requesting a variance of Article III, Section 10 to allow a land division of 9.1 acres into two lots. The subject property is located within the Metro Mountain Hydrologic Zone.

Article III, Section 10 states the minimum lot size in this area is 20 acres per dwelling unit. Lot size can be further reduced to five acres per dwelling if the property is served by community water. The subject property currently has one dwelling unit with a conventional septic system and they have permission for two water meter hookups to the Sunlit Hills Water Utility Company, one of which is being utilized by the existing dwelling, the other is not.

The applicant is requesting this variance for a land divorce due to a divorce decree requiring the sale of the property. The applicant would like to retain a portion of it in order to transfer it to his son while the remaining portion would be sold off.

The CDRC recommends approval of the requested variance. Article III, Section 10 is 20 acres. With community water it can be reduced to five acres. Should the BCC approve this case staff recommends the following conditions. Madam Chair, may I enter those three conditions into the record?

The conditions are as follows:

1. The applicant shall apply for a land division with the Santa Fe County Land Use Department.
2. Further subdivision of the subject property shall be restricted after the land division is completed.

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3. Any further development on either lot shall require a Santa Fe County Development Permit along with relevant permits from the State of New Mexico.

CHAIR VIGIL: Is there a recommendation by staff?

MR. SALAZAR: Staff's original recommendation was denial, as it was one five-acre lot and one 4.1-acre lot. The CDRC would also like to add the following condition. Although the code states that the maximum building height in this area is 24 feet, condition 4 would be:

4. Any future development on the new lot shall have a height restriction of 15 feet and is to be screened by trees from the road.
5. The applicant shall install a water meter prior to plat approval.

CHAIR VIGIL: Okay. Are there any questions of staff? Commissioner Stefanics.

COMMISSIONER STEFANICS: Madam Chair, and this is more for Steve, if our code states 24 feet, how can we go ahead and request 15 feet?

MR. ROSS: Madam Chair, Commissioner Stefanics, I don't know the basis for this. It would have to be based on an agreement with the applicant I would think. Unless there is some other reason that staff has uncovered.

MR. SALAZAR: Madam Chair, Commissioner Stefanics, the applicant had mentioned in the CDRC meeting that he was willing to restrict the height to 15 feet of the new structure and the CDRC members wanted that added as a condition.

COMMISSIONER STEFANICS: Okay. Thank you, Madam Chair.

CHAIR VIGIL: Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Madam Chair. John Michael, in the second recommendation by the CDRC, that the applicant shall install a water meter prior to plat approval, it sort of sounds like they already have two water meters there. Is that correct?

MR. SALAZAR: Madam Chair, Commissioner Holian, they have approval from Sunlit Hills Water for two. There's only one currently. They would have to trench across the road in order to put that second one on the lower portion of that property.

COMMISSIONER HOLIAN: I see. Okay. Thank you.

CHAIR VIGIL: Any other questions? Is the applicant here? Linda, did you want to add anything or are you in agreement? Is your client in agreement with all these conditions of approval?

[Duly sworn, Linda Tigges testified as follows:]

LINDA TIGGES: Madam Chair, we have a short presentation we'd like to give.

CHAIR VIGIL: Okay. Do you know how long it will take, Linda?

MS. TIGGES: About seven or eight minutes. I'd like to introduce the applicant, Rob Turner, and owner of the property, and just to help you locate the property it is located in the Mountain Hydrologic District though it is a very flat lot. There's nothing

mountainous about it. But it's in that district and it is located west of the interstate, and you can see it more clearly maybe that here's the interstate, here's Nine Mile Road. Here is the property and here is Timberwick Road.

Let's see. The notices were sent and Rob did talk to some of the neighbors. One of the neighbors is here and we do have a handout which includes a letter from another neighbor who isn't able to walk or write easily but he did have somebody write a letter for him supporting the project.

CHAIR VIGIL: I'm going to ask that all handouts be given to staff. Would you give it to Shelley or John Michael, would you hand those out? Thank you very much.

MS. TIGGES: The description of the project is as staff pointed out, it's nine acres. We're proposing one five-acre lot and then the other acre would be a little over four acres. The configuration of the lot that's being proposed as you can see on the chart is a little unusual. The applicant has an existing structure, a house, and a studio here and he wants to – is suggesting the lot be split this way because he feels that the arroyo is an important part of the lot and in this way both of the lots would have a portion of the arroyo. The arroyo isn't steep; it's not a FEMA floodplain or anything like that.

Also, shown on here, our buildable area which would meet County requirements. The access would be from Nine Mile Road. There wouldn't be any access from Timberwick. The property has an odd situation here in that the southern, the property line was based on a former alignment of a road. When the County – this Nine Mile Road is a County Road and when they realigned it so there's a very wide setback here, a very wide right-off-way that belongs to the County.

There are three items that support the variance that are unusual about this property. One is, as staff said, the property does have two water connections from the Sunlit Hills Water Company. They go with the land. One was provided in 1968 and has been installed. The second one has been committed and it was given to Sunlit Hills Water Company in exchange for a well on the property. They transferred the well rights to the company. In exchange they got a water tap, which has not been installed. The letter from Sunlit Hills is the second item in the packet.

The point here is that approval of the property doesn't mean approval of an additional water tap; the water for the property has already been set aside in the water company. The second point regarding the lot is the division of the land would provide two lots, the size of which would be compatible with the adjacent lot sizes. This is the lot and you can see that the lot sizes around it are in fact, many of them are smaller than what is proposed with the lot split. The green are the lots the sizes of which are smaller than five acres.

And then the third thing is, and this is in response to a comment by the Commission. The third thing is that the applicant wanted to ensure that any building on the proposed new lot would not be obtrusive to the neighborhood. And so as part of the CDRC case it was the applicant that requested that the condition be adopted that the height be only 15 feet and that screening be provided of any structure. The photo in your packet that has the black arrow, second to the last, shows the property from Nine Mile Road. The little balloon in the top of

the tree there is 15 feet. So you can see that with the additional screening and 15-foot height it wouldn't be obtrusive to the neighborhood. And there are other properties – it wouldn't be a precedent setting. Just like the smaller lot wouldn't be precedent setting, neither would having that structure along Nine Mile because there are others already there.

In conclusion, to repeat what staff said, the reason for the application is that it was mandated as part of a divorce decree that at least part of the lot be sold if it could be lot split. The applicant would like to have the opportunity to keep the new lot within the family for their son who grew up on the property. And I'll stand for questions or the applicant has a short comment as well.

CHAIR VIGIL: This is not a family transfer request though, correct?

MS. TIGGES: That's correct

CHAIR VIGIL: Any questions? Seeing none, this is a public hearing. Maybe we'll have questions if there's anyone in the public that would like to address the Commission on this. Would the applicant also please step forward? State your name and address and you need to be sworn in.

[Duly sworn, Rob Turner testified as follows:]

ROB TURNER: I'm Rob Turner. I live at 32 Timberwick Road, off of Nine Mile Road, and I would like to read a letter that I wrote to my neighbors, with a couple of additions. And I think you have a copy of this. [Exhibit 7] To whom it may concern: I am forced to sell my home by family circumstance and decree. I have lived here for over 22 years. I love this land and do not want to lose everything. We moved to this home from our farm and after decades of work in archeology for the state hope to retire on a good-sized piece of country that is valued for its beauty and its neighbors and its continual use since prehistoric times.

I want very much to use my unusual property case if it is possible to save a part of Timberwick for me to give to my son who grew up here. I tried to give Joseph a family division property but am consistently advised by the County that this is not allowed in the Inter Mountain Zone for less than 20 acres, thus I am forced to ask for a lot split variance with the County. This is a unique situation that would not any way affect Timberwick, neither in road nor in view nor in water nor in arroyo nor in average lot size, nor in setting a precedent. Nine Mile Road would only experience a driveway and a possible mile home presence.

Unusually, we have owned a second water tap for the property since 1988 based on a well water right which allows water to another lot without impinging upon the completed Sunlit Hills water tap plan. We have 9.1 acres which would create a five-acre lot and a 4.1-acre lot, which is the average size of the neighborhood lots in the vicinity. These circumstances are unique and cannot be replicated by anyone else so the neighborhood is not facing a precedent. If anyone were to build it would be in the trees near Nine Mile Road with a driveway off that road. Our plans would limit the buildable area to a specific zone and height and provide pinon-juniper screening so that any eventual home is not invasive of view either to the arroyo or to Nine Mile Road.

It is my serious hope that this plan can go forward and benefit our desire to keep a long connection alive. Sincerely, Rob Turner.

CHAIR VIGIL: Thank you, Mr. Turner. Are there any questions for Mr. Turner. Seeing none, I appreciate your testimony. Going back to the public hearing component of this, is there anyone who would like to address the Commission. Please step forward, get sworn in and state your name and address for the record.

[Duly sworn, Maryann Shaening testified as follows:]

MARYANN SHAENING: Madam Chair, Commissioners, I'm Rob's next door neighbor and I am here in support of his request and it is for all the reasons that he explained, which are that it has no impact on the traffic on Timberwick Road. It has no impact on the water. No one in our neighborhood could see if there was a structure built on it in the way that he described. No one could see it from our houses. So there's just no impact. So I'm supporting it because it feels like the right thing to do. On Sunday night there were seven neighbors gathered together for a whole other different reason and this topic came up and we discussed it. The rest of the neighbors, their comments were essentially the same: well, of course we should have that happen because it doesn't affect the things that we care about – what we see, the road and the water. So that's my support for this request.

CHAIR VIGIL: Thank you, Maryann. Is there anyone else out there that would like to address the Commission on this matter. Seeing none, any discussion? What's the pleasure of the Commission?

COMMISSIONER HOLIAN: Madam Chair.

CHAIR VIGIL: Commissioner Holian.

COMMISSIONER HOLIAN: Are we ready for a motion?

CHAIR VIGIL: I have one question if there isn't, and that is with regard to the statement that says I'm forced to sell my home by family circumstances and decree. Is there a court order on this? The decree indicates that? I just want further clarification.

MR. TURNER: The divorce decree requires the sale.

CHAIR VIGIL: The divorce decree requires the sale of the property or the split?

MR. TURNER: The sale of the property.

CHAIR VIGIL: The sale of the property. Okay. Thank you for that clarification. That was my question.

COMMISSIONER HOLIAN: Madam Chair.

CHAIR VIGIL: Commissioner Holian.

COMMISSIONER HOLIAN: I would like to move for approval of CDRC Case V 10-5510, Rob Turner variance, with staff recommendations for conditions, as well as the CDRC recommendations for conditions.

COMMISSIONER STEFANICS: Second.

CHAIR VIGIL: I have a motion and a second. Is there any further discussion?

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

XV. A. 3. CDRC Case # MIS 10-5230 David and Peggy Romero Land Division. David and Peggy Romero, Applicants, Request Approval to Subdivide 5.17 Acres Into Two Lots in a Previously Approved Subdivision (Pinon Hills). the Property is Located at 74 Calle Enrique, within Section 25, Township 17 North, Range 9 East, (Commission District 2). John M. Salazar, Case Planner

MR. SALAZAR: Thank you, Madam Chair. The applicants are requesting a land division of their 5.17-acre property into two lots consisting of 2.6 and 2.5 acres. It's located within the Pinon Hills Subdivision. This subdivision was created in 1965 and falls within the Basin Hydrologic Zone. Article III, Section 10 of the Land Development Code states the minimum lot size in this area is ten acres and can be further reduced to 2.5 acres with water restrictions.

Staff is bringing this request before the BCC because the subject property is located within a previously approved subdivision and the land division would result in an increase of density to the area. The BCC has approved prior requests in this area and there are no longer any issues with access to the Pinon Hills Subdivision.

Recommendation: Staff recommends that the request for a land division be approved. Article III, Section 10 states that the minimum lot size in this area is 2.5 acres with water restrictions. Both lots meet that requirement. Should the BCC approve the request staff recommends the following conditions. Madam Chair, may I enter those into the record?

[The conditions are as follows:]

1. The applicant shall apply for a land division with the Santa Fe County Land Use Department.
2. Water use on the property shall be restricted to 0.25 acre-feet per year for each lot.
3. Annual water meter readings shall be submitted to the Land Use Administrator every January.

CHAIR VIGIL: Are there any questions of staff. Seeing none, is the applicant here? Would you please step forward and be sworn in for your testimony.

[Duly sworn, Morris D. Apodaca testified as follows:]

MORRIS D. APODACA: My name is Morris D. Apodaca. I represent Peggy and David Romero. My address is 5538 Agua Fria, Santa Fe, New Mexico.

CHAIR VIGIL: Mr. Apodaca, do you and your clients agree with the conditions placed upon approval for this property?

MR. APODACA: Yes, we do.

CHAIR VIGIL: Okay. Is there anything you'd like to add?

MR. APODACA: I think that's it.

CHAIR VIGIL: Okay. Any questions of Mr. Apodaca? Seeing none, this is a public hearing. I do ask if anyone in the public would like to step forth and address the

Commission on this item. Please come forward, be sworn in, state your name and address.

[Duly sworn, Roy McKeag testified as follows:]

ROY MCKEAG: My name is Roy McKeag. I live at 21 Calle Enrique in the Pinon Hills Subdivision. I know that last month this was up for hearing and the letter that I wrote to the Land Use Administrator was included in the packet at that time. Is it still in the packet for this month?

CHAIR VIGIL: Yes.

MR. MCKEAG: Okay. Then that pretty much says what I have to say. I guess the main thing is I'm just concerned about my water supply and I'm sure you all can understand a person worrying about their water supply. Over the last 12 years the County Commission has approved numerous lot splits for various reasons in Pinon Hills and Alameda Ranchettes, in that area. And conditions have been attached, just as the present conditions I'm sure are listed before you. And I've heard many of these fine citizens before you, swear that they would tell the truth and agree to the conditions. Unfortunately, the fact of the matter is that over the last 12 years very few people have done what they said they would do.

The conclusion that I would draw is that the only way to keep the water supply in the basin hydrologic zone at least under Pinon Hills Subdivision that will last for 100 years which as I understand is what the plan is, is to prevent further lot splits because don't comply.

I'm also concerned and I know it's not part of this subdivision split but you all, this Commission will be deciding on a conjunctive water use plan for the Buckman Well Direct Diversion and one of the wells that your staff is considering to propose to you is the Suerte del Sur well which is just north of Pinon Hills. When that subdivision was proposed pumping of that well, the engineers for that subdivision demonstrated that it would in fact impact upon many of the wells in Pinon Hills if it were pumped the way that they were proposing to pump it.

So what I'm saying is that in addition to the lot splits that happen over time and just gradually accumulate there is also another threat to our water supply – I think it's a threat to my water supply in Pinon Hills. That's why I'm concerned and that's why I'm before you.

CHAIR VIGIL: Thank you, Mr. McKeag. Are there any question for him?
Commissioner Stefanics.

COMMISSIONER STEFANICS: Madam Chair, it's not for the witness; it's more for staff. Thank you very much for coming. What would it take, Jack and Shelley, John, to actually monitor all those new meters that are supposed to be going on properties that we've approved just even in the past couple of years that I've been here?

MS. COBAU: Madam Chair, Commissioner Stefanics, about a year ago we implemented a final inspection program with our code enforcement officers and with my staff. We do go out and verify that people have actually placed a meter on their property and they are required to submit annual meters reading to the water resource specialists or to Laurie Trevizo's group and she does keep a database of water use. So if somebody exceed their .25 acre-foot usage they are sent a letter, a warning letter and if they continue to exceed

their .25 acre-foot then they're fined.

COMMISSIONER STEFANICS: Well, if you look at Mr. McKeag's letter, Madam Chair and Shelley, it indicates that Lori did respond and that very few people are actually responding or reporting. So they might have meters but they're not reporting.

MS. COBAU: Yes, historically it's been a problem because when somebody came in for a building permit all that they're required to do is to show us a picture of a meter and nobody ever went out and actually verified that they actually placed a meter on their well. So we have – we are handling that problem now in new construction. I suppose we could got and –

COMMISSIONER STEFANICS: But, Madam Chair, Shelley, I'm not talking about having the meter I'm talking about having a meter. I'm talking about reporting.

MS. COBAU: Right. If they don't have a meter they can't report I guess is my point. So we didn't – we weren't verifying that people were actually placing meters on their wells and we're doing that now. So we could go and I suppose we could take action and go send code enforcement to see if people had meters on their wells in that area. That would be about our only recourse at this time for historic construction.

COMMISSIONER STEFANICS: Okay, Madam Chair, earlier today we talked about what type of online services we could start developing for Santa Fe County and I'm wondering if we could start meter reporting as an online activity if and when we get going with different online activities.

MS. COBAU: Madam Chair, Commissioner Stefanics, we have that implemented. People can actually report their meter readings online.

COMMISSIONER STEFANICS: Okay, so Madam Chair, Shelley, they can report on line but we're not making them report on line. I mean we're not making them report period.

MS. COBAU: Madam Chair, Commissioner Stefanics, we send them, if we don't receive readings from them that they are required to send a reading for the people who are in our database. So if they don't report by a certain date then they're sent a letter asking for a reading.

COMMISSIONER STEFANICS: Thank you, Madam Chair.

CHAIR VIGIL: Are there any sanctions?

MS. COBAU: Madam Chair, the fine is marginal even for dramatic overuse over the .25 acre-foot, the fine is quite marginal. So we don't really have a good enforcement process for keeping people under the .25 acre-foot. If they use over a .25 acre-foot they're sent a warning letter and then I think the maximum fine is about \$50.

COMMISSIONER STEFANICS: Okay. Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, Mr. Salazar, what water do they have on the property right now before any split? How much water do they have?

MR. SALAZAR: They have what the, Madam Chair, Commissioner Anaya, they have what the State Engineer issues them with the well permit. This is probably an older well so it was probably the 3 acre-feet at the time. But they have since been reduced by the

State Engineer's Office but they have a 3 acre-foot allowable use on the property right now.

COMMISSIONER ANAYA: And this action would, Madam Chair, Mr. Salazar, would reduce that to .25 acre-foot per lot?

MR. SALAZAR: Madam Chair, Commissioner Anaya, we would restrict their usage to .25 acre-foot and they would be required to show us proof of the meter installation prior to plat recordation and then we would require them to submit water meter readings annually.

COMMISSIONER ANAYA: Thank you, Madam Chair.

CHAIR VIGIL: Any other questions. Is there anyone else in the public who would like to address the Commission on this? If not, I will close the public hearing. Any further discussion? What is the pleasure of the Commission?

COMMISSIONER ANAYA: I would move for approval and then have some comments under discussion.

CHAIR VIGIL: I have a motion. Is there a second?

COMMISSIONER STEFANICS: I'll second with the staff conditions.

CHAIR VIGIL: Okay, discussion, Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I think that the points raised relative to the process of our metering readings and the points brought up by Mr. McKeag are valid and I think that we need to re-evaluate. I think it's probably an ongoing thing but at least with what we submit going out that we're making sure that we're following up on those prior cases and having some long-term plan to begin to get in compliance with the requirements that we're setting forth as a county. So that's all I have, Madam Chair, thank you.

CHAIR VIGIL: Thank you. Question for you John Michael; this is not a request for a variance, correct? This is just a request for a division?

MR. SALAZAR: That's correct, Madam Chair. Both lots do meet the standard lot size in the basin hydrologic zone.

CHAIR VIGIL: So it is totally in compliance with our code?

MR. SALAZAR: Yes, Madam Chair.

CHAIR VIGIL: With that we have a motion to approve with all conditions and a second.

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

XV. A. 4. CDRC Case # MP/PDP/DP 10-5400 Mine Shaft Tavern. Mine Shaft Properties, LLC, Applicant, Santa Fe Planning Group (Scott Hoeft), Agent, Request Master Plan Zoning for an Existing Non-Conforming Use and Preliminary and Final Development Plan Approval of Phase I for an Expansion of a Non-conforming Structure and Outdoor Entertainment. The Property is Located at 2840 Hwy. 14, within the Traditional Community of Madrid, within Section 36, Township 14 North, Range 7 East (Commission District 3). Jose E. Larrañaga, Case Manager

MR. LARRAÑAGA: Thank you, Madam Chair. On November 18, 2010 the County Development Review Committee met and acted on this case. The decision of the CDRC was to recommend approval of master plan zoning for an existing non-conforming use, preliminary and final development plan approval of Phase 1 for the Mine Shaft properties.

Currently there are thirteen structures on the 4.84-acre site. Twelve of the structures were constructed prior to 1981, therefore, the code acknowledges the structures and the current use of the structures as non-conforming.

Article II, Section 4.5 states: "Existing uses of land and structures including signs constructed prior to the adoption of the code, as amended, but which may not be in conformance with the code, as amended, or are prohibited or restricted under the current provisions of the code, including the provisions of any amendments thereto, are considered to be non-conforming uses."

The Applicant's intent is to maintain the historical use of the property. The Applicant requests Master Plan Commercial Zoning as a Neighborhood or Small Scale Commercial District. The purpose of the Master Plan is to record the existing structures and existing use as they are currently and historically been utilized. The Mine Shaft Property has been in continuous operation as a non-conforming commercial property for over 100 years. The Master Plan will document the significant attributes of the property while allowing the expansion or re-use of the property through the development plan process.

The Mine Shaft Property has attracted tourists and locals for food, beverage, and entertainment for the past 50 years. The tavern has been in continuous use since 1947, the Engine House Theater has been active since 1985, and the Old Coal Mine Museum has been open to the public for tours since 1960.

Article II, Section 4.5.2 states: "Except as otherwise provided in this Section, any non-conforming use of land or structure may be continued so long as it remains otherwise lawful."

Article II, Section 4.5.3 states: "Re-use or expansion of non-conforming uses are subject to the submittals and review requirements set forth in the Code for the category of use

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which is proposed.”

Ordinance No. 2002-1 Section 4.7 states: “Mixed use businesses and commercial uses within the planning area shall be permitted only on property that is directly adjacent to New Mexico State Highway 14 and within the Planning Area.”

Section 4.11 of Ordinance No. 2002-1 states: “Non-conforming, legal commercial establishments and mixed- use establishments in operation at the date of adoption of this ordinance shall be allowed to continue operations with both existing and or new owners so long as the establishment maintains a similar intensity of use.”

Article III, Section 4.2.1 states: “Neighborhood or small-scale center districts, which are or may be located at intersections of local roads or in traditional community areas. Uses similar to those which may be established in local or village center districts may be established. A non-residential use district may be established within a traditional community at a qualifying intersection or at an area which is pursuant to the criteria set forth in Sub-section 4.2.2.”

Sub-section 4.2.2 states: “Traditional Community districts established by the Code are intended to accommodate a mixture of uses such as agriculture, residential, large scale residential, community service, institutional, non-residential or recreational uses anywhere inclusive of the boundaries of the village, provided the performance standards and criteria set forth by the Code are met.”

Article V, Section 5.2.1.b 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 for proposed development without the necessity of expending large sums of money for the submittals required for a preliminary and final plat approval.”

The Applicant is also requesting Preliminary and Final Development Plan approval for Phase I. The Development of Phase I includes the deck attached to the Old West Saloon, the use of the deck for outdoor entertainment, outdoor amphitheater grounds and outdoor entertainment within the amphitheater. The area defined as the amphitheater is approximately 5,000 square feet and the deck is approximately 550 square feet.

The deck was expanded upon and the amphitheater was created by terracing an area with railroad ties. These improvements constitute an expansion of the non-conforming property. The improvements enabled the Applicant to use these areas for outdoor entertainment and extend the area where liquor could be served, therefore expanding on the non-conforming use of the site. The alteration of these specific areas on the site constitutes a Master Plan for the non-conforming property and Development Plan for the intensification of use and modification of the deck and amphitheater area.

Article V, Section 7.1 states: “A preliminary development plan may be only a phase or portion of the area covered by an approved master plan, so long as the preliminary development plan substantially conforms to the approved master plan.”

Article V, Section 7.2. states: “The final development plan shall be submitted to the

County Development Review Committee accompanied by a staff report. The County Development Review Committee shall review the plan and make a determination as to its compliance with the County General Plan and Code. The County Development Review Committee may recommend changes or additions to the plan as conditions of its approval. The final development plan as approved by the County Development Review Committee shall be filed with the County Clerk. The approved final development plan becomes the basis of development permits and for acceptance of public dedications. Any changes in the plan must be approved by the County Development Review Committee.”

The Applicant has addressed the following criteria in the development report: existing conditions, adjacent properties, parking, access, outdoor lighting, signage, water, fire protection, liquid waste, topography, landscaping and noise mitigation.

Recommendation: Staff has reviewed this application and has found the following facts to support this submittal: the existing structures were constructed prior to the adoption of the code; the code acknowledges the structures and the current use of the structures as non-conforming; the submittal complies with the commercial criteria set forth in the Madrid Ordinance; the purpose of the Master Plan is to record the existing structures and existing use as they have currently and historically been utilized; a Small-Scale Commercial District is allowed within a Traditional Community; the proposed Master Plan is comprehensive in establishing the scope of the project; the Preliminary Development Plan conforms to the proposed Master Plan; the proposed Final Development Plan complies with code requirements.

The Building and Development Services Department and Reviewing Agencies have reviewed this application and have made comments in accordance to the code. The non-conformities of the structures and use on the site were not taken into consideration when assessing code compliance. Staff’s interpretation of Article II, Section 4.5, Article II, Section 4.5.2 and Article II, Section 4.5.3 has established findings that this Application is in compliance with Ordinance No. 2002-1, Section 4., Ordinance No. 2002-1, Section 4.11 Article V, Section 5.2 Article V, Section 7.1 and Article V, Section 7.2 of the Land Development Code.

Staff recommends approval of Master Plan Zoning, as a Small-Scale Commercial District to allow the existing structures and existing use, on the property, as they are currently and historically been utilized. Staff also recommends approval of Phase I Preliminary and Final Development Plan to allow for the intensification of use and modification of the deck and amphitheater, subject to the following conditions. Madam Chair, may I enter these conditions into the record?

1. All Staff redlines shall be addressed, original redlines will be returned with final plans for Master Plan and Final Development Plan.
2. Prior to recordation of the Master plan the Applicant shall comply with NMED requirements.
3. Master Plan with appropriate signatures shall be recorded with the County Clerk.
4. Final Development Plan with appropriate signatures shall be recorded with the

County Clerk.

Madam Chair, also, we passed out a fifth condition and I have reviewed it with the agent for the applicant. I'd like to read that.

5. Amphitheater outdoor events noise mitigation shall be in place at all times. A traffic control plan shall be in place. The applicant shall inform the County Fire Marshal and County Sheriff's Department two weeks prior to any outdoor activities taking place. An offsite parking plan shall be submitted to the County Fire Marshal and County Sheriff's Department. Offsite signage advertising on events shall not be permitted. Outdoor music events shall end no later than 7:00 pm. All temporary stages, tents, canopies, chairs, etc. used for outdoor events shall be removed from the site within 24 hours of the conclusion of the outdoor event. The above-mentioned conditions shall be placed on the final development plan. [*Exhibit 8*]

Madam Chair, I stand for any questions.

CHAIR VIGIL: Okay, are there any questions for Mr. Larrañaga?

Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Madam Chair. Jose, there were a number of reviews in our packet by County departments and staff that noted that a number of items were incomplete in the master plan submittal. For example, a rainwater harvesting plan. Also a traffic impact analysis. So my question is, have these been addressed or will they be addressed in a future phase of the plan.

MR. LARRAÑAGA: Madam Chair, Commissioner Holian, the master plan is master planning the existing non-conforming use. We have other projects that we've brought forward to the Board, non-conforming uses where we wouldn't make them retro all these buildings to do rainwater harvesting. The parking – in reality, a lot of this property wouldn't comply with the code right now.

COMMISSIONER HOLIAN: What about a traffic impact analysis though? That still seems to be relevant.

MR. LARRAÑAGA: For the expansion of the development plan we felt that the traffic, the TIA would not be necessary for the development that's being processed, asked for tonight, for the expansion of the deck and the amphitheater. The amphitheater, the outdoor entertainment, we have been processing that or allowing that through the special use permit so the traffic and the parking has been established to be able to comply with those outdoor events.

COMMISSIONER HOLIAN: Okay. Madam Chair, Jose, another question. How is the County Noise Ordinance enforced?

MR. LARRAÑAGA: Madam Chair, Commissioner Holian, we have met with the Sheriff's Department. The Noise Ordinance is to be enforced by our Sheriff's Department. Unfortunately, they don't have the meters to enforce that ordinance but just this week I spoke to Ron Madrid from the Sheriff's Department and he informed me that even though they don't the meters to enforce the ordinance there is state law they would enforce in

case of too much noise. I forget what the word would be but it would be – nuisance, disturbance of the peace and so on. They would enforce that. Until they get the meters to enforce the Noise Ordinance they cannot enforce it.

COMMISSIONER HOLIAN: Okay. Jose, I noted that the Public Works review stated that there was an 11-foot access, driveway off of Museum Lane, and they said that it would require a variance, or in their opinion it would require a variance. So if we approve this are we in essence approving that variance?

MR. LARRAÑAGA: Madam Chair, Commissioner Holian, no. They did not notice, they are not asking for a variance, as I mentioned, and that's why purposely I left these reviews to show how non-conforming this property really is. Any expansion that would be necessary or that the applicant would do that would be necessary to improve that access, that's when we'll look at it a different phase and how to improve it. If they couldn't improve it then they would come forward to the Board for a variance.

COMMISSIONER HOLIAN: Okay. Thank you, Jose. I'm done.

CHAIR VIGIL: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Madam Chair. I'm looking at the map of the different buildings, and does this go behind the boardwalk? Or up to the boardwalk? Or where? For those people that didn't know there's a little boardwalk, just like Hollywood.

CHAIR VIGIL: Atlanta.

COMMISSIONER STEFANICS: Atlanta. Sorry. Got my cities wrong. I'm just trying to figure this out. Because there are quite a few houses right across State Highway 14, and I'm trying to figure out if this schematic, if behind the boardwalk on the hill, or if it's right adjacent to the highway.

MR. LARRAÑAGA: Madam Chair, Commissioner Stefanics, the boardwalk is right in here, so it fronts the boardwalk. Behind the boardwalk.

COMMISSIONER STEFANICS: It's behind the boardwalk. Okay. So the new deck and amphitheater, is that behind the boardwalk or in an open space facing the highway?

MR. LARRAÑAGA: Madam Chair, Commissioner Stefanics, the amphitheater is – well, it's kind of platted out –

COMMISSIONER STEFANICS: I see the little curved road.

MR. LARRAÑAGA: And that would be where they tier it off with railroad ties. So it is behind the boardwalk, and then you have the hill coming down from behind it on this side.

COMMISSIONER STEFANICS: Okay. I think I understand. Thank you very much, Madam Chair.

CHAIR VIGIL: Okay. Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, Mr. Larrañaga, thank you for being here. A couple quick questions. Thanks for the non-conforming 101 yesterday. But I guess I would just want to say for public consumption I guess is that non-conforming, if I understood you correctly, when you say non-conforming that's non-conforming with current

code as it exists today. Is that correct?

MR. LARRAÑAGA: Madam Chair, Commissioner Anaya, that's correct. Non-conforming would be it was established pre-1981 for a certain type of use or uses.

COMMISSIONER ANAYA: Madam Chair, Mr. Larrañaga, there's a lot of older properties within and around Santa Fe County that are non-conforming. Is that correct?

MR. LARRAÑAGA: Madam Chair, Commissioner Anaya, that is correct.

COMMISSIONER ANAYA: Madam Chair, Mr. Larrañaga, a lot of those non-conforming uses are very historical uses and significant historically and culturally say, as collectively as a whole?

MR. LARRAÑAGA: Madam Chair, Commissioner, that is correct. In fact we brought forward to the Board part of the Santuario last month or the month before. It was non-conforming and they were going to develop a house and turn it into a praying chapel, so yes, we deal with non-conforming use all the time.

COMMISSIONER ANAYA: Madam Chair, Mr. Larrañaga, if a facility or structure is in non-use for a period up to one year it loses that non-conforming status?

MR. LARRAÑAGA: Madam Chair, Commissioner Anaya, that's correct. If the use is not – if a structure or a use or a business license is not issued to that non-conforming use or structure then it reverts back to residential. They would have to come in and master plan the property again for the existing – the old use or a new use.

COMMISSIONER ANAYA: Madam Chair, thank you.

CHAIR VIGIL: Thank you. Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, Mr. Larrañaga, I know you were addressing fire protection in the presentation that you brought forth. There are some pictures that have been provided to us in our packet and one of my concerns if they are using their deliveries to block access to fire protection services for the community, how is that being addressed and being mitigated from happening?

MR. LARRAÑAGA: Madam Chair, Commissioner Mayfield, the one photo that you have in there with the delivery truck blocking access to the fire was when just recently, in fact right before we presented this to the County Development Review Committee, the septic – she had problems with the septic and she had to open it up to repair it. So where the delivery trucks would usually park they could not park so he had to park there, the truck had to park there to deliver and it was just for a short time. But on a day-to-day basis they wouldn't be parking there. In fact that photo, you'll see where it's roped off where the septic system is. That's where they would usually park to deliver anything to the property.

COMMISSIONER MAYFIELD: Thank you.

CHAIR VIGIL: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Madam Chair. That raised another question for me. I'm looking at some of the Energy and Minerals reports. Is there any problem in the newly developed use of it being on any land with any minerals that are harmful or high in content?

MR. LARRAÑAGA: Madam Chair, Commissioner Stefanics, I don't know if I can answer that question. I don't know. The newly developed are is what's been in use all the time. All they did was remodel the deck and expand it. And the amphitheater, it was in use all the time. People would walk around it but they tiered it off. So it's been in use throughout the use of the property. Just now it's changed the use which intensified, the entire use of the property.

COMMISSIONER STEFANICS: Okay. Thank you, Madam Chair.

CHAIR VIGIL: Thank you. Any other questions at this – Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, Mr. Larrañaga, is it my understanding that the County, through discussions with the applicant, requested that the master plan be put into place as a non-conforming use to begin the basis of recognizing what exists there currently?

MR. LARRAÑAGA: Madam Chair, Commissioner Anaya, that is correct. With that expansion and in the code any expansion or intensification of use of a non-conforming use or structure requires rezoning or a master plan. So in conversations with the applicant the expansion of the deck allowed her to use a little larger area. The expansion of the liquor license allowed her to use it, and then the amphitheater allowed her to use it for special use permits. Special use permits or special events, I should say, those were issued – allowed through the special use permits. Again, special use permits are for a special event and these were happening quite frequent and so we recommended that the applicant come in for a master plan to master plan the existing non-conformities of the property and preliminary and final development plan for the expansion and the deck and the amphitheater. And any other expansion or remodel for a different use of any one of these buildings would have to come back for preliminary and final development plan, as part of the master plan.

COMMISSIONER ANAYA: Madam Chair, Mr. Larrañaga, tonight, what we're talking about is the deck and the amphitheater within an existing master plan that's already been acknowledged as a non-conforming use by the County?

MR. LARRAÑAGA: Madam Chair, Commissioner Anaya, we are looking at the master plan for the non-conformity of the properties and the buildings, and we're looking at the preliminary and final development plan of the expansion of the deck and the amphitheater.

COMMISSIONER ANAYA: Thank you, Madam Chair.

CHAIR VIGIL: Any further questions of staff? Seeing none, this is a public hearing. Mr. Hoeft, on behalf of your client, as the agent, would you step forward and be sworn in, state your name and address for the record.

[Duly sworn, Scott Hoeft testified as follows:]

SCOTT HOEFT : Scott Hoeft, Santa Fe Planning Group, 109 St. Francis.

CHAIR VIGIL: Scott, before you get started, is your client in agreement with all of the conditions of approval?

MR. HOEFT: Not quite. We have a modification of –

CHAIR VIGIL: Okay. Have you had an opportunity to go over condition #5 with him.

MR. HOEFT: That's the one that we have -- I want to raise --

CHAIR VIGIL: So you're in agreement with 1 through 4.

MR. HOEFT: Yes, we are.

CHAIR VIGIL: Okay. Proceed.

MR. HOEFT: 87504. So this case has about a year and a half of history and I'm not going to take you back to the beginning. We were brought aboard in the summer of last year when it was determined that Lori needed a professional firm to help her complete a master plan and a development plan. And it could just go on to that point that we've been talking about, Commissioner Anaya. Lori has a legal non-conforming use and she expanded it, essentially, which bumps her into a master plan situation and which is why we were brought aboard to help her complete that.

And our first step was to have a neighborhood meeting with the individuals in Madrid at the suggestion of the CDRC, which we did and we had about 50 individuals attend that meeting. And what we did was we took the comments from there and began to design the master plan and we had about two months to get that completed. And the three comments that came from that were noise, of course -- that's been the major concern with the facility. The second was emergency access, and the third was parking.

And so armed with those three considerations we took that into the design of our master plan and submitted it to County, and then we proceeded to work with staff on the issues such as the letters that you mentioned, Commissioner Holian, and began to flesh this out towards the hearing process with the CDRC and to begin to modify the plan. We also met consistently with the attorney for the opposition which was Joseph Karnes and I'm certain if he's still on the case, just so that we'd have an air of transparency. He came to our meetings, he came to our neighborhood meetings. I met with him individually on numerous occasions. When we hired a noise consultant to begin to tackle these noise mitigation measures we had him there as well, again, to begin to flesh this out in a sense of cooperation with this project.

And so that kind of issue, just a quick nutshell of where we stand over the last six months, eight months on this project. So just jumping ahead, and again, I don't want to belabor the history that Jose has laid out which he did accurately and I'm not going to challenge anything that he said. I thought it was a very good representation of what occurred on this case over the last year and a half. What I want to do is take you to the noise mitigation, which is kind of where we left off with the CDRC. And what we did was we worked with a noise consultant and we developed about six points that are on the master plan itself which we hope would begin to lead towards cooperation on the noise issue for this property. That's probably the biggest issue that we're dealing with here.

And of course, let me just go through those quickly, because I think it's important. The first is of course the applicant will be complying with the Noise Ordinance. The second is that Lori Lindsey, the owner of the Mine Shaft, is going to be developing a self-monitoring program where she'll develop baseline noise levels, report those into Santa Fe County on a

regular basis, and she'll purchase her own noise meter, which as you mentioned, you heard from Jose that there is a concern that there's not enough noise meters in the county. So Lori will do that on a regular basis to self-monitor her noise.

The next, she'll serve as the point of contact. We've heard in the past that when there was noise at the Mine Shaft that when they'd call in there wasn't anyone who would consistently take the phone calls so there was a concern that the complaints were getting lost. So Lori will serve as that contact.

And then the next comment, we modified a little bit at the CDRC to make it a little more stringent, which is in the past we said we'll make every attempt to keep the windows and the doors of the tavern closed when music is played, and then we outlined some hours there as well. And we firmed that up to where she will keep the windows and the doors closed at the tavern when music is played. And unless there's mechanical errors, AC goes out in the summer time, the windows need to be opened.

The last is a little more of a regulation regarding the outdoor deck, which is in the front of the Mine Shaft Tavern. And this is directly the result of working with the noise consultant, Mike Henderson, and developing some sort of sound baffling techniques, having backing on the speakers, having the speakers positioned in the right direction, back toward the tavern as opposed to positioned down the street. And again, that's to keep the noise concentrated towards the tavern rather than out towards the community.

And then last is some guidelines regarding the amphitheater use. Again, having a specific sound stage that's used so that again, that is harnessing the noise and baffling it and projecting it back up towards the mountain as opposed to it being distributed throughout the community.

So those in sum are the six mitigation measures we've developed with the attorney for the opposition back six months ago. Then I will like to talk a little bit about this condition that was handed out this evening, but I'll get to that in a second.

COMMISSIONER STEFANICS: Excuse me.

CHAIR VIGIL: Commissioner Stefanics.

COMMISSIONER STEFANICS: Madam Chair, would you go over those six items again?

MR. HOEFT: Certainly. And they are on your master plan on the top listed there. The first is we will comply – the applicant Lori will comply with the Santa Fe County Noise Ordinance. The next is she'll develop a self-monitoring program where she'll purchase her own noise meter and place regular reports of noise into Santa Fe County at a point of contact. The next is she'll serve as the point of contact so that when complaints are coming in, if any, that she will be the person that will take those complaints and deal with the problem. The next is that she will keep the windows and doors of the tavern closed when music is played unless there is a mechanical error, AC for example, if the air conditioner goes out in the middle of summer she'll have to open up the windows. The next is more regulation regarding the outdoor deck and having some sound baffling measures used, positioning the speakers in the proper manner, back towards the Mine Shaft as opposed to out towards the

street and having some backing put on the speakers again to muffle that noise for the outdoor live music on the deck. And then the last is related to the amphitheater and having a special stage utilized during those performances, again, with the effort to baffle that noise and project the music back toward the mountain as opposed to toward the town.

COMMISSIONER STEFANICS: Madam Chair, do you want me to hold questions or go on?

CHAIR VIGIL: If you have a particular question –

COMMISSIONER STEFANICS: It's about this. Some of the letters are expressing concerns about may or will try to do these things. Aren't the baffles purchased? Is everything in place?

MR. HOEFT: It is not in place yet, no.

COMMISSIONER STEFANICS: Okay. Thank you very much.

MR. HOEFT: If I can address your comment a little bit more, Commissioner Stefanics, in the previous hearing, in the CDRC, we did firm up the language a little bit and in Jose's report, I think on the very last page it specifies how we remove the may and added a will and it firmed it up a little bit more.

COMMISSIONER STEFANICS: Okay. Thank you.

MR. HOEFT: The last thing I'd like to talk about is liquid waste because I know there are some individuals here in the community that would like to speak and I want to save quite a bit of time for them. It came up at the last hearing, a liquid waste issue and Lori did indeed, unfortunately right before the hearing have a liquid waste problem. She immediately contacted NMED, the New Mexico State Environment Department, and showed them the problem and has subsequently met with them on numerous occasions. There is a letter in your packet dated December 23rd from Robert Italiano indicating what she needs to do over the next period of time to go ahead and fix her liquid waste disposal problem and I know that Jose has added that as a condition to the packet as well.

So lastly, I wanted to look at this condition a little bit that Jose handed out. And for the most part we feel that it is reasonable. There are a couple of concerns, however, that we have that I think once I explain a little bit more I think you may or may not agree. The first is offsite signage, which appears in the middle of it. And what that means is that if Lori has an event she can't advertise it anywhere other than on the Mine Shaft. So she can't put up a bulletin board in downtown Santa Fe. If she wanted to buy a billboard along I-25 advertising it she can't do that. And we think that's a little bit stringent, that she can't advertise for her events. So we're concerned about that language.

The next concern is the 7:00 pm stop time and though we understand the need to get the events over in the evening because it is a town, we were curious if the word dusk would better suits the needs. We know that as it gets toward dark the event will begin to wind down, so dusk – we were wondering if we could substitute that for 7:00 pm.

And the last is the concern regarding all temporary stages and tents and canopies. We're a little confused about that because almost all of the stuff, the items are owned by Lori, and some of the stuff does stay in place until the next event. It's very costly to remove and

take down a tent that she has. And so we were looking for a little more flexibility on that last part and maybe a little bit more clarification from staff as well on exactly what they were looking for there.

So with that I have two final points. Commissioner Stefanics, you mentioned concern about anything on the property in terms of environmental. Lori, when she purchased the property she did have an environmental phase 1 done and I believe that was about two to three years ago and it did come out clean. And then to your comment, Commissioner Holian, regarding the TIA, we did meet with the Department of Transportation and we did discuss the road. And what's interesting is the road isn't actually owned in that stretch by the DOT from what we understand. It's actually all easement. And so they can't really make us do any improvement to that road anyway. It's not their jurisdiction, theoretically from how we understand it. I believe that stretch is for the whole Town of Madrid. So we did meet with Ruben Garcia at the Department of Transportation and we kind of concluded that there wasn't too much to do there. Also please take into account that a TIA is about a \$10,000 expense for the applicant and that's extremely cost prohibitive and so that's something just to be cognizant of. And with that I stand for questions.

CHAIR VIGIL: Any questions?

COMMISSIONER ANAYA: Madam Chair.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, Mr. Hoeft, so in looking at condition 5, it's only talking about outdoor events. You raised concern about offsite signage. You raised concern about the 7:00 pm end time, and removing canopies. Those three items. Is that correct?

MR. HOEFT: That's correct.

COMMISSIONER ANAYA: So you accept the balance of the items that are listed?

MR. HOEFT: Reluctantly, yes. It's not that dissimilar to what we had to do anyway for a special use permit and again, in the air of cooperation she's willing to do a little more with the County to make sure these concerns are addressed. Yes, Commissioner.

COMMISSIONER ANAYA: Madam Chair, and this goes to staff, we have a Noise Ordinance in place, Mr. Larrañaga or Mr. Kolkmeier or whoever.

MR. KOLKMEYER: Yes, that's correct.

COMMISSIONER ANAYA: The Noise Ordinance, I'm assuming has acceptable noise levels contained within it? Is that a correct assumption?

MR. KOLKMEYER: Madam Chair, Commissioner Anaya, yes.

COMMISSIONER ANAYA: Madam Chair, Mr. Kolkmeier, Mr. Larrañaga, we don't have any equipment to measure whether or not someone's above that or below that?

MR. KOLKMEYER: Madam Chair, Commissioner Anaya – I'm sorry I have a cold so I sound a little funny. The Growth Management Department does, and we did when the ordinance was under us. The Sheriff's Department does not, and the Sheriff's Department is now responsible for enforcing the new Noise Ordinance that was passed last year.

COMMISSIONER ANAYA: So, Madam Chair, staff, do we give them that equipment?

MR. KOLKMEYER: Madam Chair, Commissioner Anaya, we met with them on two occasions and they did not want to use our equipment because they wanted a more sophisticated, calibrated type of noise meter.

COMMISSIONER ANAYA: Madam Chair, thank you.

CHAIR VIGIL: Okay. Commissioner Mayfield.

COMMISSIONER MAYFIELD: Thank you. Excuse me, what was the issue with the liquid waste, with the septic tanks?

MR. HOEFT: Commissioner Mayfield, they're still trying to sort that out. It could have just been age. The system was in place in the eighties and it could have been just wearing out. They did get into it a little bit and began to take it apart and they were just uncertain of exactly what it was. So a lot of it just needs to be replaced. But it is a 20, 30-year old system.

COMMISSIONER MAYFIELD: Madam Chair, is that an enclosed system? Is it leached out?

MR. HOEFT: It's a leach system, yes.

COMMISSIONER MAYFIELD: And I noticed in the report here that they're asking that it be pumped out. Are you going to make it a closed system or are you going to keep it as a leached system?

MR. HOEFT: May I converse with my client please? It will still be a leached system, Commissioner.

COMMISSIONER MAYFIELD: And do you have insurance?

MR. HOEFT: Yes.

COMMISSIONER MAYFIELD: Second question, and it's going to go back to the first question I asked Mr. Larrañaga a little earlier. What assurances will you provide to the County that you will not block access for our fire station for that area?

MR. HOEFT: Well, I know the instance that you're referring to was due to the fact that septic system was down and when you were asking that question earlier I was talking with Lori to find out what happened there. And it was due to the fact that the leach system was at that stage under repair and the truck had to park in a different venue. So we have been willing to consider some measures, however, to make sure that emergency parking is clearly earmarked on the property if that would be something that we would be willing to consider.

COMMISSIONER MAYFIELD: Thank you.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, Mr. Hoeft, or staff, maybe I should say, of the items that Mr. Hoeft brought up – offsite parking plan, or not offsite parking plan – offsite signage and advertising, temporary stages, canopies, tables, chairs, being removed, and the time, were those ours or were those that we put in a result of input we got from the public?

MR. LARRAÑAGA: Madam Chair, Commissioner Anaya, we brought

forward to the Commission another similar type case and we put these type of conditions in there. I'd like to just address the offsite signage, advertising. Offsite signage is not allowed by the County. Now if it's a state right-of-way or in the city of course we have no way of enforcing that they couldn't advertise in that manner. But in the County we could and it's not allowed by the code.

The event ending at 7:00 pm, we're just trying to be consistent with the permitted special use permits that we have permitted in the past. We had allowed the entertainment – usually the entertainment starts at 2:00 in the afternoon and we would allow them to go on till 7:00. So we're just trying to be consistent with the special use permits that we have allowed them in the past.

Now, the tents and canopies may be – I personally put this in and Jack and I just talked about it. Maybe Jack would like to address that – the tents, canopies.

MR. KOLKMEYER: Madam Chair, Commissioner Anaya, of those three that you've brought up, we're looking into the offsite signs in the code a little bit further to make sure we have that correct. But also the 7:00 cut-off time was a time we had agreed on not only with the client but also with members of the community. That was the time that was recommended to us that would be acceptable for these types of events. It came up later again when the ballpark wanted to go to 10:00 to an event that they had and we, at that point, I made the decision that all outdoor entertainment activity had to stop at 7:00. So that came from not only staff but from quite a few conversations with members of the community. And the third one about the temporary stages, in further conversation we don't feel like that's necessary.

COMMISSIONER ANAYA: Madam Chair, I have more comments but I think this was a duly noticed meeting so whenever the rest of the Commission is ready I'm ready to hear from the public.

CHAIR VIGIL: Mr. Hoeft, you're done for now?

MR. HOEFT: Yes, Commissioner.

CHAIR VIGIL: This is a public hearing and the last case we have on our agenda. I assume most of the public out there is here to testify. How many of you would like to address the Commission? Can you tell me by a show of hands? Okay. Of those who are going to address the Commission, how many of you are in favor? And how many of you are opposed? Okay. Could I have those of you who are in favor go ahead and speak first and then we'll go to those who are opposed. It seems like those of you who are in favor who aren't here necessarily to speak, would you raise your hands again? Okay. Thank you very much for indicating that.

Gentlemen, would you please come forward? I will need for you to state your name and address and then get sworn in.

STEVE SHEPHERD: Steve Shepherd, 2766 Highway 14.

CHAIR VIGIL: Mr. Shepherd, how much time do you think you'll need?

[Duly sworn, Steve Shepherd testified as follows:]

MR. SHEPHERD: I have just a written – maybe two minutes.

CHAIR VIGIL: Okay. Thank you very much. Please proceed.

MR. SHEPHERD: Madam Chair and Commissioners, my name is Steve Shepherd, 2766 Highway 14. I've been a resident of Madrid for 12 years. I'm an active member of the Madrid Volunteer Fire Department for the last 11 years, serving in various capacities including fire chief, assistant chief and numerous other things. I'm also an EMT, both nationally recognized and an EMT within the County of Santa Fe. Currently, I'm also president of the Madrid Cultural Projects, which is a 501(c)(3) dedicated to historic preservation of our town, and I've served two terms in the Madrid Landowners Association.

Music, outdoor music has been an integral part of Madrid for over 30 years. Even to this day you can hear outdoor music any summertime weekend emanating from a gallery opening, a band rehearsal, a ballpark festival, and that will continue I know next year once our grandstand is back up and running. So what's the big deal about music at the Mine Shaft? I've heard from some of the old-timers that the Mine Shaft in the eighties was far noisier than it is today with music playing until 2:00 in the morning. I have heard that some of the few folks against this master plan were part of the chaos called the Mine Shaft in the eighties. So it's not about the music, even though the Sheriff's Office has been called in at the slightest peep of music at the Mine Shaft over the past two years, then what?

I believe it's about personalities. Lori is a strong-minded businesswoman. In the beginning of her ownership she bumped heads with a few like-minded long-term residents. This remains unresolved and probably will stay that way. You can't please all the people all the time and as Commissioners you know this better than most. I do have high regard for all of the people, both for and opposed. I've known them all. They have strong convictions and that's part of why I respect them. As an officer of the fire department I believe that Lori has been an excellent neighbor. She does her best to keep the firehouse lane clear. The picture you have was a one-time event. All of her vendors know not to park on Firehouse Lane. It's well marked with signage and on the weekends when we have a number of tourists and visitors in she monitors and cooperates when an overflow parking starts impinging on our ability to get our fire apparatus out and there's been a couple of times where we've called in the Sheriff's Office to just roust people who weren't paying attention. So I'm confident about that.

Her outdoor concerts have always provided adequate emergency services access as well as security personnel. In summary, the Mine Shaft Tavern is an integral part of the economic and social fabric of my town. Lori should be given every opportunity to succeed in this very difficult business venture. With the closing of the Santa Fe Brewery Restaurant the Mine Shaft Tavern is the only entertainment venue on South 14 from Santa Fe to Cedar Crest. Thank you.

CHAIR VIGIL: Thank you, Mr. Shepherd. Are there any questions? Okay. Thank you. Is there anyone else who raised their hand who'd like to address the Commission in favor please step forward, state your name and address, speak into the mike, and you will need to get sworn in.

[Duly sworn, Rebecca Nafey testified as follows:]

REBECCA NAFEY: My name is Rebecca Nafey. My address is P.O. Box 622, Cerrillos. Madam Chair, Commissioners, Madrid has been my town for 24 years now. I do not live in town; I live in Cerrillos but I do own a home in Madrid and I run a small professional business where I go to work seven days a week, so I'm in town every day. I've been on the Madrid Landowners Association Board of Advisors for about six or seven years now and I'm on the Madrid Water Co-op Board for approximately four to five years.

Madrid has become a town of mostly young people. They are artists, gallery owners, parents and musicians. There is an unusual amount of amazing talent in this small town. These young people have the right to enjoy their lives, and that includes playing music and partying together as we older folks did when we were their age. They are mostly clean, educated, friendly, outgoing and creative. This master plan for the Mine Shaft Tavern is the culmination of a couple of years complaints by a handful of older members of the community. And while they are right, in the first few years of new management – the first year, sorry, of new management, there was some loud music in town and maybe some windows rattled back then. But that was then and this is now.

The Mine Shaft Tavern owners have invested a lot of money, thought and time into mitigating the sound music problems. And they've succeeded. The amphitheater facing into the hillside, fencing, tents, and the soundstage that Lori now rents for events. This soundstage is huge. I don't know if you know what it is. It's like a 40-foot tractor-trailer truck and it's got an amazing ability to actually suck up the music and delete it inside the trailer while at the same time blocking any other sound from going off down the street. It's been very effective. This probably costs them about \$1000 a weekend and they're paying that. The tavern owners need to be credited for their efforts to work with the community. Sadly, this seems not to be the case with some people.

This master plan approval would make the Mine Shaft totally legal and allow the community to begin to heal from the divisiveness that has torn us apart for far too long. I would request that you approve this master plan as is and let us get on with our lives in peace and harmony and with wonderful live music to accompany us on the dance floor of life. Thank you.

CHAIR VIGIL: Thank you. Is there anyone else there who would like to speak in favor of this project? Seeing none, I have a real quick question for staff. We're approving master plan phase 1. That implies there's other phases. Is that correct?

MR. LARRAÑAGA: Madam Chair, we're approving master plan for the entire property, preliminary and final development plan for the amphitheater and deck.

CHAIR VIGIL: Okay. So the phase 1 component of the proposal, what does that mean?

MR. LARRAÑAGA: Phase 1 would be preliminary and final development plan for phase 1, which is the deck and the amphitheater.

CHAIR VIGIL: Second question, is there going to be a phase 2 or phase 3?

MR. LARRAÑAGA: When that comes in, Madam Chair, that would come – preliminary and final development plan would go to CDRC for approval and any changes in

the buildings, changes in parking, then that's when they would have to meet code requirements for those buildings and structures.

CHAIR VIGIL: Scott, did you want to address that?

MR. HOEFT: There's no intent right now to come in with any additional phases, Commissioner. This has kind of tapped Lori out, just getting the master plan for the entire project and then preliminary and final for phase 1 which essentially makes her legal, makes the deck and the amphitheater legal, and then she'll be done for a while.

CHAIR VIGIL: Thank you. Okay, those members of the audience who would like to address the Commission, would you line up over here to my left in this aisle and that way you can proceed to the podium in an orderly manner. When you do get there, please state your name and address and then get sworn in. And do let me know if you need more than two to four minutes. Do any of you need more than two to four minutes? And I can allocate time appropriately? Okay. Seeing no with nods I'll ask the first gentleman to come forth.

[Duly sworn, Gavin Strathdee testified as follows:]

GAVIN STRATHDEE: Madam Chair, Commissioners, my name is Gavin Strathdee. I have resided in Madrid for 37 years. I am a member of the Water Cooperative, currently serving as president. I've been a 20-year member of the fire department, now resigned or retired. I've served on the landowners association. Basically since 1973. I have been involved in community affairs. Before the CDRC, I submitted a letter which I believe you will have in your packet as part of the letters of concern. I would bring that to your notice. I'm sure you've had a chance to look at that already.

But I wish to refer specifically tonight to the minutes of the Santa Fe County Development Review Committee of November 18th, which you have just now in front of you. Page 13, paragraph 2 regards the Noise Ordinance or the noise mitigation, and I quote briefly, "Mr. Hoeft said a noise consultant was hired and a meeting at Joseph Karnes' office was held to discuss noise mitigation. Noise has been a major point of contention with the area residents and Mr. Hoeft said six points were developed." Then the six points are then listed: compliance with the ordinance, self-monitoring with regular readings, Mine Shaft contact person regarding noise, owner will make every attempt to keep doors and windows closed when music is played, the outdoor deck will have appropriate sound buffering with speakers positioned to the back of the building rather than the roadway, limit hours of operation and develop schedule for deck use and then it finishes with the program proposed for the amphitheater will be defined; each amphitheater event will require a special permit from the County Land Use. [Exhibit 9]

With respect, we request the following with regard those points. As far as point 1, compliance with the County ordinance, we take that as a given. Point 2, self-monitoring with regular readings, we request a stipulation as to the frequency of the sound monitoring, and that the monitoring be conducted by a person or persons duly qualified and trained to do so using an approved instrument as per the requirements of the County Noise Ordinance.

Point 3, the Mine Shaft contact person regarding noise, we requested the Mine Shaft contact person be required to be responsive to and address noise complaints and maintain a

written log of such complaints. Point 4, owner will make every attempt to keep doors and windows closed when music is played. Owner has agreed to a change in language to "owner will keep the windows and doors closed in the tavern when music is played unless there are mechanical errors." We request that the term "mechanical errors" be changed to "mechanical malfunctioning of the air conditioning system" as per the CDRC member DeAnda's sentiments at the hearing before the CDRC. "Mechanical errors" is a rather broad term and could mean that the kitchen meat cutter goes down.

Point 5, the outdoor deck will have appropriate buffering with the speakers positioned to the back of the building rather than the roadway. We request a change to the outdoor deck will have appropriate sound buffering with the amplifier positioned facing the back of the building rather than the roadway. The quote from Mr. Larrañaga's memorandum to you stipulated the owner will position the amplifier in the correct location and we have no idea what that correct location is presumed to be.

Point 6, limit the hours of operation and develop a schedule for deck use. We appreciate the limitation put on the deck use and the outdoor entertainment to 7:00. We would request the owners stipulate the hours of operation and the proposed schedule for deck use and communicate the same to the community at large.

A couple of minor points I would like to address again from previous testimony, I would like it to be quite clear that the use of the Old West Saloon, which was originally a photography studio, basically, a place to get your photographs taken, and the construction of the deck and the construction of the amphitheater did not precede the adoption of the 1981 County Land Use Code. I understand that although they did not receive permits at the time for the constructions or the changing and type of use that this adoption of the master plan approval will legitimize those. I would ask that you consider a request specifically of the Noise Ordinance and there will be speakers coming after me who will bring that up.

CHAIR VIGIL: I think we want to hear the remainder of the testimony. Please step forward and state your name and address for the record, be sworn in.

[Duly sworn, Lisa Interlandi testified as follows:]

LISA INTERLANDI : My name is Lisa Interlandi, 2859 Highway 14, Madrid. Good evening. I appreciate this opportunity. I have lived in Madrid 30 years and I'm sole proprietor of the longest running business there, except for the Madrid Water Co-op. Madrid's commercial success relies on the mall effect. Visitors park and walk, thereby visiting the variety we offer and everyone benefits. Visitors also appreciate the unique, rural, quiet residential character of our community. I support every business in town; we need one another.

My concern regarding this master plan is it offers no guarantee that the Santa Fe County Noise Ordinance will be adhered to. Three years ago the Mine Shaft began a series of outdoor events that exceeded prescribed decibel levels. These events negatively impacted my café, continued late into the night, making it impossible to sleep. My son would not stay in his hometown during his break from university because of the noise. Attempts to communicate with Mine Shaft management were futile and were met with public insult and

vitriolic defamation, inflaming tensions and jeopardizing my and my neighbors' safety. I spoke at a BCC meeting and several times with Land Use.

Initially I was told there was no monitoring equipment. Then the story morphed into, oh, yes, we did have equipment and took readings but there was no problem. When I suggested monitoring on my property while my windows were physically vibrating with the bass sonar waves, the story morphed again. We do not work on weekends. Maybe you need new windows. The bombardment continued when the tavern built an unpermitted outdoor bar and deck and expanded the hours of outdoor amplified noise to every weekend. Now there was noise from the bar with speakers facing out, noise from the deck and saloon outside, special events at the new amphitheater. Why do I have to listen to Happy Birthday sung over and over again sung by one musician, while at the same time someone else in another venue does a Jimmi Hendrix Star Spangled Banner rendition as the cadavers on the porch manage to spew profanity.

On Saturday, September 18th this past year my neighbor who lived less than 30 yards away from the bar decided enough already. She requested I call the Sheriff. That's' the first time. I did, only to be told by the deputy that the Mine Shaft could be as loud as they wanted. Period. My friend passed away with cancer over Thanksgiving after years of begging for the right not to be tortured in her home and business by noise and harassment. I was grateful that Land Use required the Mine Shaft to submit a master plan. However, number one, if there is no way to enforce the Noise Ordinance, and number two, the language of the submittal offers no guarantees of voluntarily complying, and if, number three, Land Use exacerbates the problem by saying this is a local issue and we need to resolve it ourselves, what's to be done?

I appeal to this Board to ensure that County officials and employees, the Sheriff's Office, and the Mine Shaft owners recognize and obey the law. It is absurd to continue avoiding responsibility by maintaining that I'm too old. That I do not like music, and thereby want the tavern to fail. Nonsense. I do not want to be driven out of my home. This is not a personal issue. And I do not want my customers blasted away. I want everyone to succeed. Please do not approve the master plan without demanding compliance.

CHAIR VIGIL: Thank you, Lisa. Next.

[Duly sworn, Marcia Reifman testified as follows:]

MARCIA REIFMAN: I'm Marcia Reifman. My address is 2836 Highway 14. Thank you for this opportunity. I have something I want that I have that I would like to read but before that I want to address some things that were said previously. The first one is – well, for one thing, I've been a member of the Madrid community since 1976 and I have been involved in community activities, the Madrid Landowners Association, the Water Co-op. I still am, and many things since I became part of the community. And incidentally, I was very instrumental in starting the master plan for Madrid itself when I was a member of the Madrid Landowners Association, so I'm very familiar with the whole process. And then when it got brought up again and was finally organized and drawn up I was actually asked to come to the meeting to be the – not mediator but to hold the meeting to get everybody to start doing the master plan again.

So I'm really familiar – I am also an instructor, teacher. I'm chair of a department at the community college. So I'm really familiar with working with people and I try very hard to make sure things will really work out as best as can, and has always been that way in Madrid until three years ago. If I had a problem or complaint I could go directly to the person who I would like to have changed it and it was usually about noise or a dog or something like that, and we always worked it out and I still do work it out with everyone except the tavern.

I did go to Lori the first time I felt my backyard vibrating. I went there and asked her to please turn down the noise. So she was the point of contact and I did talk to her and it was pretty much ignored. So I'd like to address a couple of other things here. One is that you asked about the minerals and the mining, there isn't anything apparently in the ground but there is a train that has asbestos and I would just like to say that that train we know the owners of the property were trying to move that train. Somebody from Madrid did call in to the Environmental Department to see if – to let them know, because we know there was asbestos in this old locomotive that's there. And it was summarily ignored. I called back after I found that out. He was supposed to get back with me to tell me what the report was; never got a call back. So there is some concern there.

The interesting thing about the master plan is we would not be here if Lori had actually – if we had been able to work something out. Because people have been going on for two years about the noise coming from the tavern and the disturbance of traffic and that kind of thing. And then it actually affected me and I went, I'm going to get interested in this too. I'm that kind of person. And because I was met with such being ignored I went, there has to be a way we can actually make an impact here, and I'm the one who wrote the first complaint about the deck. The deck looked good. The things she'd done didn't look bad but it was the only way I knew how to get anybody's attention. We wouldn't even be here. She wouldn't even be here looking for a master plan. The County didn't ask them to make a master plan. It was after a complaint was put in that showed that they had built without a permit. So I just want to say that.

I'm glad it's happening. I want it all to work out. I think it's possible. Especially after hearing the recommendations that were added. But what I want to say – and I have never, ever wanted to shut down any business or keep people from doing what they want. Madrid has always been a place where we do what we want. And you know what? I'm leaving. I've been there for a long time and I'm moving in a few months. But it still matters to me a lot. I'm not moving because of that. I had been planning it anyway. It's just a good time. But has this influenced me a little? Yes, probably.

So what I want to know is that the ordinance that you passed that is so good will actually be enforced, just the way people have said before me. I purchased a noise meter. One that was in accordance with the Noise Ordinance and I was trained by a noise consultant who verified that I knew how to use it. I used that one and I also used one of his. It's not so hard to buy a noise ordinance [sic] and learn how to use it and use it. I think that's just inexcusable that the Sheriff's Department has not purchased one and found out how to use it and will do what they have been told to do by such a great ordinance that you passed.

So my finding, which I recorded on a night that the music was coming from within the tavern showed that every time the door opened the noise decibel level went up above the accepted amount. When it closed, it went down, which is what we were all used to. When neighbors complained and called the Sheriff, and this is what Lisa said, to come out, basically they said they weren't going to do anything because they didn't own a noise meter and it wasn't their problem. So how can we be assured that our County employees will actually do their job? So we're not here to say don't do it. It's like we're here to say how can we not – we just don't trust it. We don't trust the person who owns the bar and we don't trust the people who are supposed to be enforcing. And that's from past experience, not from paranoia or anything like that.

So my first question is what is prohibiting them from getting a noise meter? Because there's no way they could possibly enforce the ordinance. We also want to make sure that the barrier is used on the deck of the Old West Saloon, and the other things will sufficiently baffle the noise. Interestingly enough, those items that were read off, they were read off and they were agreed to to put into the master plan during the summer. Those speakers were not turned around. There was no attempt that I could see at baffling. So there was no good faith happening there in terms of actually complying with the master plan that they were creating.

The same noise consultant prepared a much larger study for the master plan submitted by the Santa Fe Brewing Company. The Santa Fe Brewing Company doesn't even have neighbors the way we do and yet they were – they had to submit a much bigger noise mitigation plan. It seemed to me that that should have been true for the Mine Shaft Tavern. I don't trust the effectiveness for the Mine Shaft Tavern's self-monitoring because of the flagrant way they have ignored neighbors concerns. During the summer they would put speakers on the porch of the tavern and blast music every now and then for about an hour for no apparent reason.

After developing the master plan they made no attempt to baffle the sound from the Old West Saloon as specified in the master plan they proposed, nor did they point the speakers away from the street. And those are only two examples of what makes me think self-monitoring will not work. So far I haven't seen any effort on their part that they will really comply with their own master plan. They're able to make excuses about mechanical problems and I agree with Gavin, what he said. I think it's an excellent idea. And the thing is you have a business, there are responsibilities to a business. I'm sorry too. We all spend money on whatever it is we do, and we have responsibility to do it correctly. I'd like to know that our County Sheriff and our Land Use Department will actually enforce the plan and other ordinances. I have little confidence they will, based on past experience. We hired a lawyer after I had written that complaint because that was the only way, after two years, that we could be heard. That was the only reason. And it worked. That shouldn't have happened that way.

After hiring this lawyer we made some progress, and that's why, as Scott said, we started sort of negotiating. This was even though they had been operating in violation of many land use ordinances for three years. They built the area for outdoor entertainment, not

the deck, after they had started working on the master plan, without permitting. So it's a lot of disappointment that I'm talking about here, and a lot of lack of trust of what's going on. I spoke at a CDRC meeting, not the last one but the one before that, about the reason some of us – about the issues that we have and the reason some of us have not spoken up. And I stated that one of the reasons Madrid residents wouldn't speak out was because they were intimidated by Lori, who is the owner of the tavern, and afraid of saying anything. With two days of saying that up here I was walking down the street in Madrid, Lori pulled up in the truck next to me, stopped me in the middle of the street, and started yelling and cursing at me.

It scared me and I could really understand it wasn't the first time something like that had happened but something so direct. If it wasn't – and she was yelling at me about me saying she was intimidating and bullying people. So I think that her actions speak for themselves. So I would also totally support what has been said before. I urge you to use stronger language to the master plan concerning noise mitigation, language that is unequivocal and only has one interpretation because that has been the biggest problem. Everyone interprets things so differently and it has to be much, much more clear.

I actually believe you should table this item, look it over carefully and come back to it before it's approved, to make sure that the language is strong enough, and to make sure that things can't be skirted around. I'm not against the master plan or music in the tavern. I truly am not. I just want to know that the plan will be followed and enforced and I think the only way to trust that this will happen is by tightening the language of the whole plan. I think they should be required to have a more complete noise mitigation plan. And even though the entire town is not always impacted by the sound from the Mine Shaft Tavern enough businesses and residents in their vicinity are repeatedly subjected to louder noise than there ever was before the present owners took possession of it. And this continues every week in the summer and on weekend nights. It negatively affects the basic mixed-use plan for the Village of Madrid.

Remember, the main street of Madrid is a half a mile from cattle guard past to cattle guards. And we live very close to one another. We're also in a valley, and it's a bowl that traps and echoes the sound. Imagine you living in a neighborhood where one resident was allowed to repeated turn up the volume without consequences and just think about how you would feel. Thank you.

CHAIR VIGIL: Thank you, Ms. Reifman. Next. I would just ask that there's been a lot of testimony on the noise. Unless you have additional testimony beyond what we've heard please don't repeat what has been said. Please state your name and address for the record.

[Duly sworn, Gerald Wawrak testified as follows:]

GERALD M. WAWREK: Gerald M. Wawrek, 2841 Highway 14, Madrid, New Mexico. I have a copy of letters. Shall I give them to staff?

CHAIR VIGIL: Staff, Mr. Larrañaga, would you get those letters and distribute them please? [Exhibit 10]

MR. WAWREK: Thank you for the opportunity to speak this evening. I've

been a resident of Madrid, New Mexico since September of 1975 and as you can tell by the addresses of the people who have spoken against this plan approval before me we all live in a very close proximity around the tavern and are affected by it. The people who were the supporters of it, if they live in the community they don't live near the tavern and most of them don't even live in the community they live in the surrounding areas.

The Santa Fe County BCC is being asked to grant final approval for Mine Shaft Tavern master plan for commercial zoning and final development phase 1. Although some of the language of noise mitigation strategy has been tightened up, other problems have not been addressed. A noise mitigation strategy outdoor deck sound baffling solid barrier will be utilized behind speakers, i.e., meaning between the speakers and Highway 14. What currently exists is a soft-shelled tent canopy with sides. The sides will most certainly be removed in warm weather leaving no sound baffling. Unless the applicant is directed to install fixed, permanent baffling before approval is granted I assure you that no improvements will be made.

At the November 18, 2010 CDRC meeting I presented photos of an excavated area around the septic tank and leach field as a result of an overflow showing a downhill slope to a large storm drain which empties into the Madrid arroyo just north of the concrete box bridge over Highway 14. The arroyo is part of the Santa Fe County Open Space greenbelt. You'll find a picture of that in my packet, where the pipe exits into the arroyo. Has anyone thought to ask EID or Health Department to require bacteriologic testing to ensure there is no contamination at the pipe's exit into the arroyo? The septic tank for the tavern is 1800 gallons. The thousand-gallon tank that's also mentioned in their submittal is for the private residents behind the tavern and the leachfield has been saturated with years of usage and traffic pounding above. It's in the front parking lot where those semis and vehicles often park, so it's probably reduced its effectiveness over the years.

The master plan submittal states the tavern's water consumption averages 30,000 gallons per month, more in summer, less in winter. It should be obvious this septic tank should be pumped more often than quarterly as it is currently. At minimum, it should be pumped monthly and perhaps more in summer months or after events. As this is a request for approval for only phase 1, what can we expect for phases 2 and 3? Will Land Use repeat its practice of ignoring illegal construction only to approve it retroactively with no significant penalty? The Land Use Administrator consistently stonewalled or dismissed many complaints from neighbors concerning the size and noise levels of events he had permitted and the illegal expansion of unpermitted venues and events in 2008-2009.

It was only when a detailed letter with accompanying photos was sent to all BCC Commissioners, Santa Fe County Manager, and Representative Rhonda King, did Mr. Kolkmeier order Mine Shaft Tavern to cease unpermitted operations, August 19, 2009, until a master plan was submitted.

At the October 15, 2009 CDRC meeting the order requiring the master plan was upheld, but with the help of a convoluted legal ruling the events on the deck at the Old West Saloon were allowed to continue, somehow having been grandfathered in. On Saturday

October 17, 2009, a victory part was held at the Old West deck with Mr. Kolkmeier in attendance, as was reported in the December 9th issue of the *Madrid Mule*. [Exhibit 11] It was a newsletter; I'm not sure it functions anymore.

Perhaps a change of leadership is overdue at Land Use. Thank you. Any questions?

CHAIR VIGIL: Are there any questions? Seeing none, I think we still have some more testimony. Can I see a show of hands of anyone else who wants to testify? Okay. I don't believe you were here earlier. We did get those in favor. Are you in favor or opposed? Please come forward then. State your name and address. Are there any other members out there of the community that -- Just a second. Let me ask so I can just allot time here. Is there anyone else out there that would like to testify? Okay, seeing none, Linda, please proceed.

[Duly sworn, Melinda Bonell testified as follows:]

MELINDA BONELL: My name's Melinda Bonell, 2865 Highway 14. I wasn't planning on speaking but seeing after how long some of the nay-sayers chose to speak I decided I needed to, especially after one in particular, as I was involved in some of the incidents that she claimed Lori intimidated her. I actually sat outside trying to avoid it because it's so upsetting to me. I was there when she yelled at me. I'm an employee of the Mine Shaft properties. I help with their advertising and marketing. And at one point during an event she came up to us and said it was too loud. Lori and I actually walked over to her house, left the property, left the event, and tried to do what we could do.

We went back. We said, okay. It is the bowl effect. Let's go back and see what we can do. We went back and turned down the music. She was not happy. Some people you can just not please. That's the end of it.

CHAIR VIGIL: Okay, Melinda. Thank you very much. Anyone else? Last chance. Seeing no show of hands for future testimony I'm going to close this public hearing and open it up for the Commissioners for any discussion or questions. I see Commissioner Stefanics, Commissioner Holian, and I'll call on Mayfield and Anaya in that order. Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Madam Chair. I'll make this short. Perhaps, Madam Chair, we could invite the Sheriff to a future meeting just to have some discussions about some different ordinances, not just the one that was discussed this evening but some others, because I think we have some questions. Jack and Shelley, how are the requirements different for the Santa Fe Brewing Company? Somebody brought that up this evening that they felt that the requirements for the outdoor activities at the Brewing Company had different requirements than what we were imposing here. Is there anything that comes to your mind that might be a little different? We dealt with that like a month, two months ago.

MR. KOLKMEYER: Madam Chair, Commissioner Stefanics, the layout there is a little bit different as the person who was testifying said because there are residents only across I-25, and then out to the east. So the issues that we had with the Brewing Company -- well, again, it's a similar situation. They built their stage without a permit as well. So we had a similar situation with them, but we made them enclose the back of the stage, for example,

so that sound didn't leak out of the back from that and then position their speakers in a certain way so that they didn't just shoot out across the back valley there. So they're kind of different situations but the process that we went through with them was similar.

COMMISSIONER STEFANICS: Well, I would just want to make sure, Madam Chair, that we have some equity in requirements. So we might want to just check that briefly. The other thing, Madam Chair and Jack and Shelley, Ms. Reifman talked about the community master plan and this master plan sits within the mixed-use plan? Explain to me a little bit how this fits into the community master plan. Do you remember, Jack?

MR. KOLKMEYER: Well, the community master plan, there's a couple of interesting aspects to it, didn't specifically address music at all. That's a problem. That's why I made several visits to the community out there and suggested they need to update their community master plan to go over these kinds of issues. This is a statement somebody said I think slightly negatively towards me, but the idea was if there was to be some kind of control over when music played and where it is that that should be as much up to the community as it is to the Land Use Department. So there's no mention in the community plan. She kept calling it a master plan but it's technically a community plan – in there about issues with music. There are, however, in both the community plan and the ordinance, statements about mixed use needing to be a part of the community.

COMMISSIONER STEFANICS: Okay. And I'll be interested to hear, Madam Chair, what other people have to say. I totally empathize with both sides. I lived in Madrid for ten years and we had the music. We had shootings. We had a lot of things happen and the people who spoke against were there much longer than I was, but they were there then and a lot of people who are supporting probably have come since I've left. But one of our colleagues in the past said things change here in Santa Fe and that community I saw change quite a bit. So I totally empathize with both sides. That's all.

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

COMMISSIONER HOLIAN: Thank you, Madam Chair. I would like to ask Scott to address some of the issues that were brought up by Mr. Strathdee. He made some recommendations for changes in the master plan and I'm just wondering whether you would find at least some of them acceptable. For example, changing – the mechanical errors be changed to mechanical malfunctioning of the air conditioning system. Whether you'd be agreeable to that.

MR. HOEFT: Commissioner Holian, just going through his point, I got a copy of the letter from Jack and we do concur with all of Mr. Strathdee's comments with the exception of the hours of operation, the 7:00 pm and we would hope that we could go to the dusk time as referred to earlier in the other condition. Dusk seems to be an acceptable compromise to my client.

COMMISSIONER HOLIAN: Then I have a question about this whole idea about monitoring the readings and I'm wondering – actually this is probably more a question for staff. Are there independent people who would do something like that or does it even make sense to do that. If it were hired by the owner, you'd think if she were spending her

money then it still wouldn't be independent. So my question is – well, what's your recommendation on that?

MS. COBAU: Madam Chair, Commissioner Holian, some bars are self-monitoring. At El Paseo for example they have a sound monitor that they keep behind the bar. If they get a complaint they go and measure the sound. The sound monitoring equipment is getting more sophisticated like everything else. I don't know if there could be some sort of remote device set up that would just measure it and send them an alarm if they exceeded the decibel level. But I would like to add, there was some testimony by one of the people in opposition to this case regarding staff not working on weekends and I would like to say I've personally been out to the Mine Shaft Tavern with a sound monitor in my hand and ambient sound was much louder than what was coming off that deck in the three times that I measured it during special events.

So I don't know if we don't have any code to impose any kind of self-monitoring; all we can do is go on complaints at this time.

COMMISSIONER HOLIAN: Thank you, Shelley. Well, it does seem like they are offering to self-monitor and they have – Scott, correct me if I'm wrong, but the owner actually has the equipment to do that, correct?

MR. HOEFT: Or will purchase the equipment, Commissioner. Yes.

COMMISSIONER HOLIAN: Thank you. And would it be possible to sort of possibly keep a log of it or a record of it for a while so we have a feeling for what – would you agree to a condition like that?

MR. HOEFT: Yes, Commissioner. We would.

COMMISSIONER HOLIAN: Okay. Thank you. I guess that's all for now.

Thanks.

CHAIR VIGIL: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, thank you, and Shelley answered one of my questions that I was going to ask. Second question, as far as a permit, are we asking that this be permitted per a venue event or is it going to be a long-standing permit with the tavern for outside entertainment?

MR. KOLKMEYER: Madam Chair, Commissioner Mayfield, the approval of the master plan would give them permission to use the deck and the amphitheater on a regular basis. What we did before – there were two instances when I terminated outdoor entertainment in August of 2009 and then again in April of 2010, so that they could only do special events by special use permits. So this would no longer require them to do special use permits and they would be allowable uses on the deck and in the amphitheater.

I'd also like to if I may to comment on the dusk comment to. The agreement that I reached with a number of people in the community was 7:00 and I would stand by that. If you want to change that that would be up to you, but that was a condition that I'd worked out with a number of people in the community that pertained not only to the Mine Shaft but also to the ballpark. So if the ballpark comes back, when that's finished, that would be the same position I would take right now unless the Board would plan to change that.

COMMISSIONER MAYFIELD: Those are all my questions. Thank you.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: Thank you, Madam Chair. Mr. Hoeft, how long has the Mine Shaft Tavern been in existence?

MR. HOEFT: I need to ask the client, Commissioner. 1847 in its current location, 1895 in town.

COMMISSIONER ANAYA: Madam Chair, that's what I thought. It's been around a very long time. Question to staff. When any entity goes under a master plan, they're in a non-conforming use then they go under a master plan, and then they move in phases to preliminary and final development plat approval. When they're under a master plan and then they move through phases, that provides the County with the latitude to impose conditions and additional restrictions on the property beyond its existing non-conforming use. Is that accurate?

MR. LARRAÑAGA: Madam Chair, Commissioner Anaya, that is correct. As they come in for preliminary and final for each phase they would have to meet current code criteria for that phase.

COMMISSIONER ANAYA: Thank you, Madam Chair, staff. A couple more points that I would have then I'd be ready to make a motion. I think non-conforming uses is something that as a Commission we're going to see, and the Commission sees on a regular basis and I think that as it relates to historical use and time of use those are all case by case issues. But just in sitting here and living in and around – I grew up in Galisteo, the Village of Galisteo and I've been through Madrid many, many, many times over the years. The Mine Shaft Tavern, I understand the concerns that are raised relative to noise and I think it's our responsibility to look into those, but I also think we need to take those issues in the context of where they're at and how long they've been taking place.

I believe that as a Commission and one individual Commissioner sitting up here that we need to be cautious with how much we try to impose and regulate. I also agree with Commissioner Stefanics that I think we may need to have the Sheriff and maybe even other discussions with staff relative to existing ordinances because I'm concerned if we have ordinances that we put into place, or conditions for that matter, but yet we don't have the capability, potentially, to carry them out or to implement them. So I think that's an evaluation that we're going to take into consideration on an ongoing basis.

I guess I have one more question for you, Madam Chair, Mr. Kolkmeier, before I make a motion.

CHAIR VIGIL: I'd like to speak before a motion is taken.

COMMISSIONER ANAYA: Absolutely, Madam Chair. I thought I was the last one. I apologize. Mr. Kolkmeier, relative to your comment about 7:00 pm. I'm intrigued to hear a little bit more about the background. Because before I even realized that it was in the initial condition I actually wrote a note here and I didn't write dusk, I wrote sundown. And sundown could be earlier and is earlier than 7:00 pm certainly during the winter months and later fall months and it's later in the summer months when people typically are outside.

So even after Madam Chair makes her comments. Could you comment on that? It sounded like you were pretty strong that you thought 7:00 was the time. And I just, practically speaking, and this isn't just on this particular case. I would say that sundown in the summer and throughout the year makes sense. I guess I'd like to hear specifically why you feel 7:00 is the right time.

MR. KOLKMEYER: Madam Chair, Commissioner Anaya, certainly. After the first Crowdaddy Blues Festival – I forget what year that was – three years ago, that was done by special use permit and there were a number of complaints from members of the community who called me and said that the music went too long and could we do something about it. We were trying to be very responsive to both sides despite some of the comments made here tonight. So when the second Crowdaddy Blues Festival came up I put a stipulation on the special use permit to be 7:00. Well, at ten after seven there was a call made, not to me directly but to somebody else, from one of the opponents saying that they were still playing after 7:00 and you said 7:00. And it was ten minutes after seven. And when I brought that up I called Lori I think the very next day I said, well, what was going on? Why did they go past 7:00. She said well, the band was playing on encore. And so thinking about that, there I was stuck in another solomonic position because I said 7:00 and the band played until ten after and the opponents made a bit deal out of that.

So for every subsequent special use permit that came up I told Lori it would have to be 7:00 and she agreed. And then there was a subsequent issue of an event that was to take place at the ballpark. And the ballpark came and said to me, well, we want to play until 10:00. And I said well, if I'm going to make Lori close at 7:00, you're going to shut down at 7:00. So I think they played until 8:00 and I heard some complaints about that as well. So I think that's why I'm taking the position that 7:00 is what people asked us to enforce and that's the position that we take.

Mr. Hoefft just asked me, well, what are the hours of operation for outdoor events at the Brewing Company? Well, that's a different situation and none of the neighbors out there have asked me or said can you do something to mitigate the hours of operation there. So I haven't been confronted with that situation. But the way this has unfolded in Madrid that was the agreement. That was the agreement we made. Lori went along with that and the people who were the opponents to it went along with 7:00 as well. So I think that from my position as the Land Use Administrator I hold fast to that. That's the history of it.

COMMISSIONER ANAYA: Madam Chair, Mr. Kolkmeier, I appreciate the historical background information and my comment wasn't in regards to what somebody didn't do in that case that they were asked to do it was more what seemed to make some logical sense in my mind, my individual mind. And that doesn't go for an establishment like Mine Shaft Tavern. I think I would consistently say that if somebody wanted to play a baseball game until the sun went down, I would feel the same way I suppose. So it wasn't compliance, that's a whole different category where I would say if somebody agreed to do something and it was a condition then absolutely. The applicant in this case should have done it and so should everyone else. But thank you for the backup information. Thank you, Madam

Chair.

CHAIR VIGIL: Thank you. I have a couple of comments based on personal experience. I actually grew up in an area of town and I'm going to name-drop because the resolutions have occurred. When there was a very popular local bar called El Farol that was catty-corner from where I grew up that went through a process with City Hall based on the same issue that is before us about the Mine Shaft Tavern. This actually is an opportunity for the community to come together for a compromise that's going to work. Lori, you need to run a business, a very good business that's very popular. Community, you need assurances that she, running that business will not adversely impact your lifestyle there in Madrid. I'm not sure that we have before us all of the possible remediations that can occur. And Commissioner Anaya, I'm not sure whether you were going to make a motion. Maybe we're aligned here. I would really like to see this case tabled and I'd like staff and Lori to consider other remediation measures. There are noise barriers that can be a part of this proposal. I don't think that even the Commission has real clarity on the fact that just based on the fact that you're willing to self-monitor, which thank you very much. We appreciate that that decibel level will be remedied.

We actually perhaps need to bring in the Sheriff as was recommended by earlier testimony. We need further clarity to make sure that this can be a win-win situation for the community and for you, Lori. I'm not trying to make a lose situation for anyone. I think this is an opportunity to step up to the plate. I think self-monitoring and noise decibel leveling is fine but you can also prevent a lot of that. And that happened in the area I grew up is El Farol had to put a lot of noise barriers in the building. And they did have to go to additional remedies with regard to noise barriers. And I didn't hear any of that. That may be an alternative that needs to be discussed, because I just don't think that monitoring with the noise is going to be and having Sheriff Departments come out there or Land Use Departments come out there and tell you to bring the noise level down is going to do it. I think you can do something to prevent that.

I also want to say, and this is just an observation from my part. We cannot monitor personal behavior. We cannot really comment on everyone's experiences here, but what we can do and what I will say as the chair is we have really hardworking staff here at Santa Fe County and none of us up here are going to appreciate any disparaging comments about our staff. So if you have had a bad experience there's a way you can address that through our County Manager. But I frankly, personally have to say I know Jack Kolkmeyer, I know Shelley, I know all of the people who work in our Land Use Department. They are one of the most ethical, competent, perhaps even the best planners in the state. I've made note of that. So whatever your experiences were we can't address them but we can tell you that we don't – I can tell you at least from my perspective, I don't appreciate our staff being disparaged in any way, shape or form.

So with that, I'm just going to throw out the possibility that we might be able to consider tabling this for more measures to be considered. Not for monitoring the noise but for bringing the noise level down. With that I'll open it for any further discussion. Commissioner

Anaya.

COMMISSIONER ANAYA: Madam Chair, with all do respect, I actually wasn't going to make a motion to table. I respect and appreciate your remarks very much but I feel that the applicant in front of us and the recommendations of staff are prudent and will respect whatever the desire of the balance of the Commission is. But I respect the recommendations of staff. I was going to make a motion and I will make a motion for approval, with under item #5, based on input from staff that they said that all temporary stages, tents, canopies, tables, chairs, etc. for outdoor use have to be removed, that we take that requirement out and I still feel that the sunset provision is something that we should maybe discuss. But having listened to Mr. Kolkmeier I think that's maybe something that we'll maybe engage and discuss at a further day. So I would leave that 7:00 pm provision within there. I would also leave in the recommendations that Commissioner Holian brought up, that the applicant agreed to as part of my motion. That's my motion, Madam Chair.

COMMISSIONER MAYFIELD: Madam Chair, I'll second that for discussion.

CHAIR VIGIL: I have a second for discussion. Further discussion?

COMMISSIONER STEFANICS: Yes. Madam Chair, I need Commissioner Anaya to clarify in item 5 what you deleted.

COMMISSIONER ANAYA: Madam Chair, Commissioner Stefanics, I just deleted the item that staff suggested that maybe that isn't as essential to us and that's the item that would remove – mandate that they remove the tents, canopies, tables, chairs within 24 hours. Is that correct?

MS. COBAU: and Madam Chair, Commissioner Anaya, if we could, we'd like to clarify the condition regarding offsite signage. We'd just like to add the word permanent. Because temporary offsite signage is allowed per code. We just wanted to – we didn't want permanent offsite signage to be placed. So put permanent in front of offsite signage also please.

COMMISSIONER ANAYA: So I would amend my motion, if Commissioner Mayfield would accept that I would add that provision, temporary signage. So that it would be temporary.

MS. COBAU: So I think we could clarify it if we just add the word permanent in front of offsite signage. Because temporary signage is allowed offsite.

COMMISSIONER ANAYA: And also with the conditions that Commissioner Holian brought up earlier.

COMMISSIONER HOLIAN: Madam Chair.

CHAIR VIGIL: Yes.

COMMISSIONER HOLIAN: Would you consider another condition? I'm not actually sure what the situation is right now, but I would like to see some sort of a condition that no outdoor performances in the amphitheater will occur until permanent noise mitigation barriers or baffles are in place. Something like that. Yes, we do that. Maybe you're planning to put the baffles in soon. I'm not sure what the current status is.

MR. HOEFT: Commissioner Holian, Lori just mentioned to me that they have the baffling along the wall, along the west side of the property where the stage is that, as well as they have a sound stage that they bring in for the performances. That is baffling in and of itself as one of the speakers, one of the proponents indicated, how Lori brings in a stage that deadens all the sound. And so that is a baffling.

COMMISSIONER HOLIAN: So the baffle situation is under control at this point?

MR. HOEFT: Yes.

COMMISSIONER HOLIAN: Okay. And I wondered if you would accept another condition. Then I'll withdraw that. But to keep a log of the sound readings, at least for the first year so that we have some feeling for what is actually happening.

MR. HOEFT: Commissioner Holian, that is item 2 of the six mitigation measures already on the master plan.

COMMISSIONER HOLIAN: Okay. Great. Thank you.

CHAIR VIGIL: Anything further?

COMMISSIONER MAYFIELD: Madam Chair, it was just brought up under recommendations from staff, you all will present to staff that the conditions to NMED will be met prior to moving forward, and you also will provide some assurances that the fire safety lane will not be blocked, if it means calling a tow truck.

MR. HOEFT: Yes, we'll accept that as a condition. The NMED is already a condition, if I'm not mistaken, and one of the gentlemen who spoke said that from the Fire Department said that the lane was well marked, but we can follow up on that.

CHAIR VIGIL: So, Scott, while you're up there, what happens if through your self-monitoring, the decibel level is above the Noise Ordinance acceptance level?

MR. HOEFT: That's a good question. I would argue that the process would be that if there's an activity going on in Madrid and Lori goes out there with the monitor or as was indicated by the amendment, or a person duly qualified and trained to do so, then that would be indicated to Lori that there's a reading on the exterior of the Mine Shaft that is exceeding then she would be forced to turn the music down, is how I see the process as occurring, as well as logging it.

CHAIR VIGIL: Okay. Commissioner Stefanics.

COMMISSIONER STEFANICS: Madam Chair, in relation to the comments that you made, it would really, if we move ahead with the approval of this this evening, it won't do anything to really bring the community together. And something that might work is if the owner of the Mine Shaft would consider, and I'm not going to suggest this as a condition, but would consider creating a community advisory committee that actually looks at and knows what kind of music is coming ahead or as part of the planning for the community. When things happen at the ballpark the community pretty much knows what's going to happen at the ballpark and they decide to either stay and participate or go home and lock their doors or leave town for the day. And so I guess I'm talking about a little bit of transparency, and if there's some way to involve the community that might help. But again,

I'm not suggesting that as a condition, I'm just suggesting that might bring some of the community together. Thank you.

CHAIR VIGIL: Anything further. I still have a major concern about any kind of response to the noise level, which is really the focus of this issue. I do believe, Lori, that there are things you can do that I was hoping you could take back and that is provide noise buffering within the building, because a lot of the testimony we've heard is not about outdoors, it's about indoor too. I think you should consider doing that. But there is a motion on the floor and if there's no further testimony, I'm willing to take the motion vote.

The motion passed by majority [4-1] voice vote with Commissioner Vigil voting against.

CHAIR VIGIL: I'm going to oppose it; I think it should be tabled. You have a 4-1 favored motion.

XVI. ADJOURNMENT

Having completed the agenda and with no further business to come before this body, Chairwoman Vigil declared this meeting adjourned at 9:10 p.m.



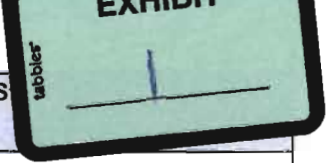
Valerie Espinoza
VALERIE ESPINOZA
SANTA FE COUNTY CLERK

Approved by:

Virginia Vigil
Board of County Commissioners
Virginia Vigil, Chairwoman

Respectfully submitted:

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



Project APPR ID	Title	Appropriation Amount	Expenditure/Available Amount	Reversion Amount	Project Status
Abedon Senior Center					
07-3679	Santa Fe Co Abedon Lopez Senior Center	55,000	24,343.00	30,657	Staff completed the 1st phase of renovations when the funds were frozen.
Total Granted/Spent/Reverted		55,000	24,383.00	30,657	
Agua Fria Children's Zone					
06-0533	Agua Fria Children's Zone Bldgs	100,000	0.00	100,000	Available funds were not sufficient to complete the project when funds were frozen.
08-4463	Santa Fe Co Children's Zone Construct	70,000	0.00	70,000	
07-5487	Santa Fe Co Agua Fria Children's Zone	123,750	0.00	123,750	
Total Granted/Spent/Reverted		293,750	0.00	293,750	
Agua Fria Community Center & Park					
02-L-G-911	Agua Fria Community Center	118,800	118,800.00	0	Nancy Rodriguez Community Center was completed.
03-L-G-1255	Agua Fria Community Center	25,000	25,000.00	0	
04-L-G-332	Agua Fria Community Center	100,000	100,000.00	0	
04-L-G-1028	Agua Fria Community Center	80,000	80,000.00	0	
04-C-G-71	Agua Fria Community Center	300,000	300,000.00	0	
GRT	Agua Fria Community Center	200,000	200,000.00	0	
06-L-G-1884	Agua Fria Community Center	50,000	50,000.00	0	Staff had acquired a contractor and produced a requisition for the paving of the parking lot when the funds were frozen.
06-2527	Agua Fria Community Center	100,000	0.00	100,000	
07-5484	Agua Fria Park/community Center Improve	200,000	182,412.00	17,588	
07-6438	Agua Fria Community Center	50,000	49,989.00	11	
08-4462	Santa Fe Co Agua Fria Community Park Improve	40,000	38,469.00	1,531	
Total Granted/Spent/Reverted		1,263,800	1,144,670.00	119,130	
Camino Real Park Bridge					
SP-GA-7649 (230)	Camino Real Park Bridge	250,000	0.00	250,000	Funds were insufficient to complete project.
Total Granted/Spent/Reverted		250,000	0.00	250,000	

Summary of Legislative Appropriations to Santa Fe County/CSD

Project APPR ID	Title	Appropriation Amount	Expenditure/Available Amount	Reversion Amount	Project Status
Chimayo Museum					
SAP#08-L-G-4406	Chimayo Museum	70,000	0.00	70,000	Funds were not sufficient to build or purchase a museum.
Total Granted/Spent/Reverted		70,000	0.00	70,000	
Clerk Digital Imaging Systems					
08-4464	Santa Fe Co Clerk Digital Imaging System	50,000	49,660.00	340	Remaining funds reverted after the project was complete.
Total Granted/Spent/Reverted		50,000	49,660.00	340	
Life Link/Clubhouse Program					
07-L-G-5496	Clubhouse Program Facility	156,702	156,702.00	0	Staff purchased a facility with the funding for a Clubhouse Program to serve the mentally disabled in Santa Fe County.
08-L-G-4461	Clubhouse Program Facility	297,000	297,000.00	0	
08-4488	Santa Fe Co Van Mental Illness	15,000	0.00	15,000	Funding not sufficient to purchase a van when the funds were frozen.
Total Granted/Spent/Reverted		468,702	453,702.00	15,000	
Santa Fe Co. Juv & Adult Det Facilities					
09-3602	Santa Fe Co. Juv & Adult Det Facilities	40,000	26,420.00	13,580	Purchased a metal building for the Juvenile facility. Remaining funds were reverted.
Total Granted/Spent/Reverted		40,000	26,420.00	13,580	

Summary of Legislative Appropriations to Santa Fe County/CSD

Project APPR ID	Title	Appropriation Amount	Expenditure/Available Amount	Reversion Amount	Project Status
Edgewood Senior Center Construct					
2005-090	Edgewood Senior Center Construct	100,000	100,000.00	0	Edgewood Senior Center was completed with these grant funds.
2006-505	Edgewood Senior Center Construct	50,000	50,000.00	0	
2008-3021	Edgewood Senior Center Construct	78,900	78,900.00	0	
2008-3022	Edgewood Senior Center Construct	57,700	57,700.00	0	
08-3851	Edgewood Senior Center Construct	100,000	45,939.14	54,061	Second phase of project was under development when funds were reverted.
08-3383	Edgewood Senior Center Construct	15,000	0.00	15,000	
07-3852	Edgewood Senior Center Renovate	50,000	0.00	50,000	
Total Granted/Spent/Reverted		451,600	332,539.14	119,061	
Santa Maria El Mirador					
07-3483	Furnishings & Equipment	50,000	50,000.00	0	Staff used the funds to purchase furnishings and computers for the program.
07-5489	Furnishings & Equipment	65,000	65,000.00	0	
09-3604	Santa Fe Co Multipurpose Center for Dev Disabled	39,000	38,990.00	10	The funds were used for the schematic design of the new facility.
Total Granted/Spent/Reverted		154,000	153,990.00	10	

Summary of Legislative Appropriations to Santa Fe County/CSD

Project APPR ID	Title	Appropriation Amount	Expenditure/Available Amount	Reversion Amount	Project Status
Vista Grande Library					
05-1795	Vista Grande Library Addition	50,000	50,000.00	0	Funding was used to Design the addition to the facility.
06-1856	Vista Grande Library Addition	100,000	100,000.00	0	
07-5504	Vista Grande Library Addition	75,000	63,563.00	11,437	Staff was waiting for the grant to be re-appropriated to allow for infrastructure upgrades when the funds were frozen.
07-5505	Vista Grande Library Roof Improve	25,000	23,140.00	1,860	Remaining balance from the roof improvements were reverted.
09-3609	Vista Grande Public Library Infra Improve	55,000	14,779.00	40,221	Staff was waiting for the grant to be re-appropriated to allow for infrastructure upgrades when the funds were frozen.
Total Granted/Spent/Reverted		250,000	213,563.00	13,297	
Esperanza Administrative Office					
07-6386	Santa Fe Co Esperanza Shelter Admin Comp	128,700	102,328.00	26,372	The construction has been awarded to Nambe Healthcare Services and construction has begun. The remaining funds will be used for furniture for the facility.
07-6385	Santa Fe Co Esperanza Shelter Admin Comp	693,000	693,000.00	0	
09-3899	Santa Fe Co Esperanza Shelter Admin Comp	267,300	267,300.00	0	
09-3898	Santa Fe Co Esperanza Shelter Admin Comp	420,750	420,750.00	0	
07-6396	Santa Fe Co Esperanza Shelter Admin Comp	396,000	396,000.00	0	
08-4466	Santa Fe Co Esperanza Shelter Admin Comp	15,128	15,128.00	0	
Total Granted/Spent/Reverted		1,920,878	1,894,506.00	26,372	
Edgewood First Choice					
06-1890	Edgewood First Choice	35,000	26,988.00	8,012	Improvements complete. Balance of funds were reverted.

Summary of Legislative Appropriations to Santa Fe County/CSD

Project APPR ID	Title	Appropriation Amount	Expenditure/Available Amount	Reversion Amount	Project Status
Total Granted/Spent/Reverted		35,000	26,988.00	8,012	
Information Technology Equipment					
08-4471	Information Technology Equipment	24,000	23,956.00	44	Equipment was purchased.
Total Granted/Spent/Reverted		24,000	23,956.00	44	
Arroyo Seco Marcos P. Trujillo Teen Center					
05-1792	Arroyo Seco Marcos P. Trujillo Teen Center	50,000	14,356.00	35,644	Master Plan is complete. Balance of funds were insufficient for further project activity.
Total Granted/Spent/Reverted		50,000	14,356.00	35,644	
La Cienega Community Center					
07-6381	La Cienega Community Center	50,000	28,356.00	21,644	Property lease acquired. Archeological and Environmental Studies were underway when funds were frozen. Funds were insufficient to construct a community center.
09-3614	La Cienega Community Center & Park	50,000	0.00	50,000	
09-3617	La Cienega Community Center & Park	40,000	0.00	40,000	
09-3615	La Cienega Community Center & Park	50,000	0.00	50,000	
09-3613	La Cienega Community Center & Park	50,000	6,476.00	43,524	
09-3616	La Cinema Community Center & Park	50,000	0.00	50,000	
Total Granted/Spent/Reverted		290,000	34,832.00	255,168	
Santa Fe La Familia Med Center Improve					
07-6402	Santa Fe La Familia Med Center Improve	100,000	31,218.00	68,782	Staff completed upgrades to the parking lot, mechanical systems and outside stucco.
Total Granted/Spent/Reverted		100,000	31,218.00	68,782	

Summary of Legislative Appropriations to Santa Fe County/CSD

Project APPR ID	Title	Appropriation Amount	Expenditure/Available Amount	Reversion Amount	Project Status
La Puebla Park & Community Center					
08-4478	La Puebla Park Restroom Facility Construct	35,000	34,966.00	34	Restroom facility was completed.
09-3618	La Puebla Playground & Picnic Areas	43,800	30,889.00	12,911	The playground tables and recreational equipment was installed. Funds were insufficient to construct a community center when funds were frozen.
07-5507	La Puebla Multipurpose Community Center Construct	202,950	0.00	202,950	
07-6390	La Puebla Community Center	50,000	0.00	50,000	
07-6391	La Puebla Community Center	123,750	0.00	123,750	
08-4477	La Puebla Multipurpose Center Construct	75,000	0.00	75,000	
Total Granted/Spent/Reverted		530,500	65,855.00	464,645	
Lady Our Lady of Light Chapel					
07-5508	Lady Our Lady of Light Chapel	50,000	0.00	50,000	Funding was insufficient to complete a viable project. Renovations were estimated at \$400,000.
Total Granted/Spent/Reverted		50,000	0.00	50,000	
Madrid Oscar Huber Memorial Ball Park					
05-1615	Madrid Oscar Huber Memorial Ball Park	25,000	25,000.00	0	Grandstand renovation is currently underway and scheduled for completion in February 2011.
07-5509	Madrid Oscar Huber Memorial Ball Park	50,000	0.00	50,000	
07-6393	Madrid Oscar Huber Memorial Ball Park	45,000	30,429.00	14,571	
09-3619	Madrid Oscar Huber Memorial Ball Park	272,557	272,557.00	0	
07-5510	Madrid Outdoor Restroom Facility	60,000	53,978.00	6,022	Restrooms were installed and are complete.
Total Granted/Spent/Reverted		452,557	381,964.00	70,593	
Nambe Park & Community Center Tennis & Bball Court Ct.					
09-3620	Nambe Park & Community Center Tennis & Bball Court Ct.	50,000	0.00	50,000	The County has purchased the building and leased adjoining property that the church sits on. An architect is being contracted to design improvements to the facility. Improvements to the courts and playground have been completed.
08-3019	Reauthorize from Pojaoque Community Center to Nambe Community Center	306,999	306,999.00	0	
Total Granted/Spent/Reverted		356,999	306,999.00	50,000	

Summary of Legislative Appropriations to Santa Fe County/CSD

Project APPR ID	Title	Appropriation Amount	Expenditure/Available Amount	Reversion Amount	Project Status
Rio Grande Sportsmen Club					
05-1607	Rio Grande Sportsmen Club	20,000	0.00	20,000	Available funds were not sufficient to complete the project.
Total Granted/Spent/Reverted		20,000	0.00	20,000	
Pojoaque Valley Ag. Commerce Center					
06-1882	Pojoaque Valley Ag. Commerce Center	100,000	52,101.00	47,899	Pojoaque Pueblo has decided not to proceed with the commercial kitchen that the funds were designated for.
05-1598	Pojoaque Valley Community Center	148,500	0.00	148,500	Staff was unable to get consensus from the Jacana Land Grant to purchase the property. Viable project was not possible when the funds were frozen.
05-0374	Pojoaque Valley Community Center	148,500	37,963.00	110,537	
07-5485	Jacana Community & Senior Purchase & Renovate	297,000	0.00	297,000	
05-0487	Pojoaque Valley Community Center	100,000	0.00	100,000	
Total Granted/Spent/Reverted		794,000	90,064.00	703,936	
Santa Fe River Corridor Improve & Acquire					
07-5499	Santa Fe River Corridor Improve & Acquire	50,000	0.00	50,000	A viable project was not possible when the funds were frozen.
Total Granted/Spent/Reverted		50,000	0.00	50,000	
Santa Fe Co Headstart Facilities Improvements					
08-4467	Santa Fe Co Headstart Facilities Improvements	50,000	47,455.00	2,545	Parking lot improvements were completed. The remaining balance was reverted.
Total Granted/Spent/Reverted		50,000	47,455.00	2,545	
Santa Fe Co Public Housing Project					
09-3605	Santa Fe Co Public Housing Project	100,000	0.00	100,000	The grant was reauthorized with confirmation in May 2009. A grant agreement was never reissued.
09-3606	Santa Fe Co Public Housing Project	20,000	0.00	20,000	
09-3607	Santa Fe Co Public Housing Project	100,000	0.00	100,000	
09-3608	Santa Fe Co Public Housing Sites	120,000	0.00	120,000	
Total Granted/Spent/Reverted		340,000	0.00	340,000	
Santa Fe Co Fairgrounds Improvements					
09-3601	Santa Fe Co Fairgrounds Improvements	250,000	250,000.00	0	Funding wwill be used for signage and paving.
Total Granted/Spent/Reverted		250,000	250,000.00	0	

Summary of Legislative Appropriations to Santa Fe County/CSD

Project APPR ID	Title	Appropriation Amount	Expenditure/Available Amount	Reversion Amount	Project Status
Santa Fe Co Vehicles & Equipment					
08-4471	Santa Fe Co Vehicles & Equipment	24,000	23,956.00	44	Vehicle was purchased.
Total Granted/Spent/Reverted		24,000	23,956.00	44	
Stanley Youth Ag. Facility					
06-1844	Santa Fe Co Youth & Agriculture Facility	148,500	76,000.00	72,500	The County purchased property in the Stanley area for the Youth and Agricultural Facility.
07-5552	Stanley Youth Ag. Facility	148,500	0.00	148,500	Remaining funds were designated for the construction of an arena when the funds were frozen.
08-4498	Stanley Agricultural Facility	50,000	0.00	50,000	
08-5347	Youth & Agricultural Facility-So SFC	25,000	16,221.00	8,779	
Total Granted/Spent/Reverted		372,000	92,221.00	279,779	
Santa Fe Co Women's Health Services					
05-1591	Santa Fe Co Women's Health Services	519,750	519,750.00	0	County purchased the office space that Women's Health has occupied and leased it back to them to provide services to the sick and indigent.
05-0478	Santa Fe Co Women's Health Services	100,000	0.00	100,000	
06-1847	Santa Fe Co Women's Health Services	1,039,500	1,039,500.00	0	
07-5549	Santa Fe Co Women's Health Services	891,000	891,000.00	0	Staff completed 1st phase of a renovation of the facility and has acquired an architect for interior renovations. CSD is currently bidding out the construction for the renovations.
08-4495	Santa Fe Co Women's Health Services	245,000	245,000.00	0	
Total Granted/Spent/Reverted		2,795,250	2,695,250.00	100,000	
Total		\$11,852,036	8,312,692.14	\$3,450,389	
Summary of Reverted Funds					
Total reverted funds for non-viable projects				1,958,143	
Additional reverted funds				\$1,492,246	
Total Reverted Funds				3,450,389	

CAPITAL COOPRATIVE AGREEMENT REIMBURSEMENTS RECIEVED FROM NMDOT 2009

PROJECT NAME	AGREEMENT NO.	START TO FINISH DATE	AGREEMENT AMOUNT	DATE SUBMITTED
CR 44A	SP-GA-7549(316)		\$30,000.00	
CR 44B	SP-GA-7549(319)		\$32,485.65	
COUNTY ROAD 56	SB-7771(964)		\$119,841.08	
	SP-5-07(019)		\$64,015.49	
COUNTY ROAD 54	SP-5-08(050)		\$73,469.00	
	SB-7777(970)		\$98,023.00	
	CAP-5-08(440)		\$122,015.00	
PINE ROAD	SP-GA-7549(326)		\$27,545.14	
LA BARBERIA CR 67F	SP-GA-7549(335)		\$19,237.09	
	SP-GA-7549(325)		\$25,000.00	
COUNTY ROAD 42 PHASE I	SP-GA-7549(336)		\$25,000.00	
GOLDMINE ROAD	ST-7549(316)		\$140,000.00	
CERRO DEL ALAMO	SP-GA-7549(332)		\$100,000.00	
	SP-GA-7549(322)	3/15/07 - 10/21/08	\$47,000.00	6/9/2009
	SP-GA-7549(318)	3/5/07 - 10/21/08	\$8,219.50	6/10/2009
	SP-GA-7549(320)	3/15/07 - 10/21/08	\$45,000.00	6/10/2009
SOUTH MEADOWS	SP-GA-7745(201)		\$20,000.00	
CHURCHILL ROAD	ST-7549(316)		\$140,000.00	
LA TIERRA SUBDIVISION	#29-0018-PW/JS		\$10,000.00	
AGUA FRIA/ SAN ISIDRO CROSSING	ST-7705(205)00- SEVERENCE TAX		\$50,000.00	
ELDORADO ROAD PROJECTS	SP-GA-7749(330)		\$225,000.00	
	SP-GA-7749(368)		\$250,000.00	
	SP-GA-7549(323)	11/17/08 - 2/27/09	\$100,100.00	5/27/2009
CR103 JACONA RD.	ST-GA-7549(303)	6/3/05 - 9/2/05	\$42,255.43	5/28/2009
DOUBLE ARROW ROAD	ST-7549(299)		\$60,000.00	
CALLE VICTORIANO	SP-GA-7549(329)	3/12/09 - 3/25/09	\$38,564.95	6/1/2009
CR 84	ST-7549(285)	3/12/07 - 5/9/07	\$166,271.66	6/19/2009
TOTAL REIMBURSMENT AMOUNT			\$2,079,042.99	

CAPITOL COOPERATIVE AGREEMENT REVERTED FUNDS

PROJECT NAME	AGREEMENT NO.	CONTROL NUMBER	FUNDED AMOUNT	NOTES
RAVENS RIDGE			\$50,000.00	NO ACTIVITY
			\$25,000.00	
HENRY LYNCH /AGUA FRIA			\$25,000.00	NO ACTIVITY
			\$25,000.00	
PINE ROAD			\$2,454.00	NO ACTIVITY
MAYFIELD ROAD			\$36,780.00	NO ACTIVITY
CHURCHILL ROAD			\$2,514.00	NO ACTIVITY
LA BARBERIA			\$25,000.00	NO ACTIVITY
			\$5,763.00	
TOTAL REVERTED FUNDS			\$197,511.00	

GRIP II CAPITAL COOPERATIVE AGREEMENT REIMBURSEMENT 2009

PROJECT NAME	AGREEMENT NO.	START TO FINISH DATE	AGREEMENT AMOUNT	DATE SUBMITTED
CR 42	ST-7549 (327)	3/16/06 - 12/26/08		8/5/2009
ARROYO ALAMO W.		6/23/08 - 10/10/08		8/5/2009
CR 88A (EL SITIO)		1/28/08 - 1/13/09		8/5/2009
PASEO DE LA TIERRA		3/12/09 - 4/20/09		8/5/2009
SLOMAN LANE		1/21/09 - 6/15/09	\$2,060,100.00	8/5/2009
CR 88G		10/15/08 - 4/7/09		8/5/2009
CR 90		5/28/08 - 6/25/08		8/5/2009
LA TIERRA		1/27/09 - 2/5/09		8/5/2009
CR 84 G		4/14/09 - 7/16/09		8/5/2009
TOTAL GRIP II REIMBURSEMENT AMOUNT			\$2,060,100.00	
TOTAL 2009 REIMBURSEMENT AMOUNT RECEIVED			\$4,139,142.99	

CAPITOL COOP REIMBURSEMENT AGREEMENTS 2009 / 2010

PROJECT NAME	AGREEMENT NO.	CONTROL NUMBER	FUNDED AMOUNT	NOTES
	ST-GA-7649(235)	C7G575	\$50,000.00	
CR 67G (RAVENS RIDGE)	ST-GA-7549(327)	C7G855	\$11,320.00	
	SP-GA-7649(337)	C8G687	\$25,000.00	
CR 42 PHASE II	CAP-5-09(446)	HW2 M500047	\$181,386.67	
	SB-7783(976)09	HW2 M500041	\$177,737.33	
	SP-5-09(079)	HW2 M500011	\$119,546.67	
CR 17 MARTIN ROAD	CAP-5-10(452)		\$138,622.67	AMOUNTS DISBURSED BY NMDOT
	SB-7789(982)10		\$100,000.00	
	SP-5-10(107)		\$81,884.00	
TOTAL 2010 AMOUNT RECEIVED FROM NMDOT			\$885,497.34	

CAPITOL COOPERATIVE AGREEMENTS (CURRENT PROJECTS IN PROCESS) 2010 / 2011

PROJECT NAME	AGREEMENT NO.	CONTROL NUMBER	FUNDED AMOUNT	NOTES
CR 98 (Juan Medina Road)	L5050	L5050	\$1,074,000.00	
AGUA FRIA PHASE III	BOND 2008		\$3,253,250.15	BOND 2008
	AGUA FRIA WATER ASSO		\$400,000.00	NMGR
	SFPS		\$30,000.00	MOU
	CITY OF SANTA FE		\$45,000.00	MOU
	TOTAL BUDGET		\$3,728,250.15	
SOUTH MEADOWS	GOB		\$392,448.46	
NM HWY 14				BUDGET IN PROCESS
VERANO ROADS	SB-7795(988)11	HW2 M500318	\$84,206.00	AWAITING
	SP-5-11(137)	HW2 M500295	\$66,335.00	APPROVAL FROM
	CAP-5-11(458)	HW2 M500329	\$98,045.00	NMDOT
TOTAL			\$1,074,000.00	

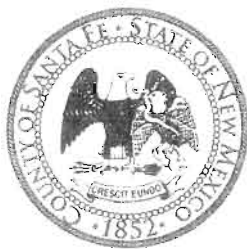
SFCO UTILITIES SAP GRANT REVERSIONS & BALANCES

Special Appropriations Project No.	Description	County Project No.	Expiration Date	Grant Amount	Reversion Amount	Disburse. Requested Amount	Grant Balance	Comments
SAP 08-3926-GF	Agua Fria/Paseo de Tercero/Via Don Toribio Sewer Line Ext.		6/30/2013	\$ 75,000	-	69,000.00	6,000.00	
Grant Total for Project				\$ 75,000	-	69,000.00	6,000.00	Requested \$69K 11/9/09 (Re-submitted 11/3/2010) Per Chris Vick, balance remaining \$75K Contractor: RMC1
SAP 05-1154-GF	Pojoaque Valley Regional Water/Wastewater System		6/30/2010	\$ 1,070,000	1,012,454.50	57,545.50	-	3) 505-1452-444-8097 12/1/09 Rec'd PR#1 \$25,380 On 5/4/2010 Receipt CR fr TRs Ofc Dtd 12/16/09 for \$4626.50 paid by NMED via wire trns. Per Chris Vick, remaining balance is zero.
Amendment#1 dtd 12/6/10 -no 3rd party pymts.								505-1448-444-8097. Rec'd PR#1 \$13,514.72 11/13/09 Rec'd PR#2 ck# 1001862099 \$10,953.53; Rec'd PR#3 ck#1001862099 \$18046.47; PR#4 6933.31 2/26/10 Per Chns Vick balance remaining is \$7,485.28
SAP 07-4567-GF	Agua Fria Sewer Line/Ben Lane Extension	AF4567	6/30/2012	\$ 50,000	-	49,448.03	551.97	
						NMED Bal:	7,485.28	
SAP 07-4572-GF	Eldorado/Canoncito Water Project	ELDCAN	6/30/2012	\$ 50,000	-	-	-	Grant Reallocated (No longer our responsibility) per memo rec'd 6/3/2009
SAP 08-3923-GF	SFCO/Canoncito Area Water Rights Purchase/Wtrln Connect.		6/30/2013	\$ 10,000	10,000.00	-	-	REALLOCATED.
Grant Total for Project				\$ 60,000	-	-	-	5) 505-1449-444-8097
SAP 07-4576-GF	Santa Fe County Sombriño Area Sewer System	SFSOMB	6/30/2012	\$ 350,000	296,787.73	53,212.27	-	6) 505-1460-444-8097 Rec'd PR#1 \$45,002 for PER (Souder Miller) 12/01/2009 \$304,998 Reverted to St. per Chris Vick 12/17/10-Submitted Reimbursement#2 of 8,210.06
Amendment#1 dtd 12/6/10 -no 3rd party pymts.								Rec'd approved Grant 9/30/09; PR#1 \$238,659.96 Wired to Souder Miller Rec'd Ck copy for PR#2 \$56,502.06 Per Chris Vick remaining balance is \$261,340.04 (which coincides w/our records)
SAP 08-5334-GF	SFCO Sombriño Area CUATRO VILLAS Water/Wastewater System		6/30/2013	\$ 500,000	-	468,271.69	16,231.43	\$468,272 paid directly to vendors by NMED
Grant Total for Project				\$ 850,000	296,787.73	521,483.96	24,441.49	
						NMED Bal:	261,340.04	
SAP 07-4577-GF	Santa Fe County Wells	SFWELL	6/30/2012	\$ 250,000	250,000.00	-	-	7) 505-1461-444-8010 Reverted
SAP 07-4587-GF	Stanley Fire Department Water System & Equipment	STANWT	6/30/2012	\$ 150,000	150,000.00	-	-	8) 505-1462-444-8010 \$119.5K 505-1462-444-8011 \$30.5K Reverted
←-----→								
TOTAL					1,719,242.23		352,035.38	

Daniel "Danny" Mayfield
Commissioner, District 1

Virginia Vigil
Commissioner, District 2

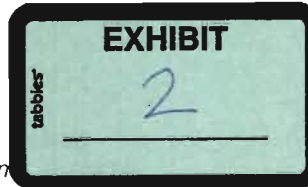
Robert A. Anaya
Commissioner, District 3



Kathy
Commissioner

Liz Stefanics
Commissioner, District 5


Katherine Miller
County Manager



Memorandum

Date: January 11, 2011

To: Board of County Commissioners

From: Penny Ellis-Green, Assistant County Manager 

Subject: Appointment of members to the Santa Fe County Valuation Protest Board

The Valuation Protest Board consists of volunteers appointed by the Board of County Commissioners (BCC) to hear property tax valuation protests.

The Board consists of two members and two alternates; one member and one alternate must demonstrate experience in the field of valuation property, the other member and alternate do not need this experience.

Members shall not be employed by the State, a political subdivision, or a school district, shall not hold an elective public office, and must be registered to vote in Santa Fe County.

On September 8, 2009 the BCC appointed two members and two alternates to serve on the Valuation Protest Board. Three of these members are now unable to serve for the remainder of their term. Gil Tercero (Commission District 2) is the only remaining member; he does not have the required experience in the field of valuation.

Therefore one member and two alternates now need to be appointed. One member and one alternate need experience in the field of valuation.

The following names have been received:

Name: Roger Carson
Commission District: 5
Experience in Valuation: Has real estate experience (6 years)

SFC CLERK RECORDED 02/10/2011

Name: Shirley McDougall
Commission District: 4
Experience in Valuation: Has real estate experience

Name: Michael Hurlocker
Commission District: 2
Experience in Valuation: Has real estate experience (24 years) and valuation training

Name: Robert Frank
Commission District: 1
Experience in Valuation: Has real estate experience (33 years)

Name: John Nye
Commission district: 1
Experience in valuation: Has real estate experience (25 years)

Name: Peter Gomez
Commission District: 1
Experience in Valuation: Has real estate experience (30 years)

Name: Jerry share
Commission District: 4
Experience in Valuation: Has real estate experience (3 ½ years)

The following applicants do not have experience:

Name: William Mee
Commission District: 2
Experience in Valuation: No

Name: Honorio Andres
Commission District: 3
Experience in Valuation: No

The applicants meet the requirements of the Statute and do not appear to have a conflict of interest. Having conducted phone interviews with the applicants and discussed experience, the Board schedule and geographic representation, staff recommends the following appointments:

Alternate for the position not requiring experience: Honorio Andres
Member requiring experience: Roger Carson
Alternate for member requiring experience: Michael Hurlocker

January 6, 2011

From: Roger Carson, Associate Broker, Sotheby's International Realty

To: Santa Fe County Manager's Office/ Penny Ellis-Green

Subject: Santa Fe County Valuation Protest Board

I'm writing this letter to express my interest and qualifications to serve as a member of the Santa Fe County Valuation Protest Board. I am registered to vote in Santa Fe County, a long time resident and willing to serve.

Attached is my resume that outlines my professional qualifications as well as my community service experience. The main professional qualification that I can add to the board is that of a full time real estate broker with extensive experience determining property values in Santa Fe County.

I understand the various methods of determining value and the market conditions that ultimately establish value. I am familiar with Santa Fe property tax method and see first hand the wide discrepancy of tax values throughout Santa Fe County. I can offer fair and objective reasoning and a desire to serve my community.

A handwritten signature in black ink, consisting of the letters 'RC' in a stylized, cursive font.

RESUME

ROGER CARSON

19 Coyote Pass Santa Fe, New Mexico 87508
phone: 505-699-8759 e-mail: roger@sothebyshomes.com

Work Experience

Associate Broker: Sotheby's International Realty, Santa Fe, NM 2004-Present

Responsible for sales and marketing of residential and commercial properties. Consistently ranked in the top 10% of all brokers. Currently ranked in the top 5% for 2010. Duties include creating and maintaining client relationships, preparing market analysis, determining market values, generating listings, soliciting offers, writing and negotiating contracts, managing escrow deadlines, scheduling inspections, writing marketing plans, creating on-line and print media campaigns, and writing monthly column.

Director of Sales and Catering: Las Campanas, Santa Fe, NM 1997-2004

Responsible for maximizing revenue of club facilities. Increased department revenue 130% in three years. Duties included creating and managing special events, member programs, off-site catering as well as creating and maintaining client relationships, writing proposals and contracts, logistics, communication with the clients and staff, budgeting, billing, supervising, and training.

Product Manager: Santa Fe Seasons, Santa Fe, NM 1992-1997

Responsible for product development and manufacturing of gourmet food products. Increased product line from 8 products to 26 and as a result sales more than doubled. Duties included researching and developing products and identifying consumer trends, attending trade shows, product development and launching, purchasing, budgeting, training, supervising.

Community & Professional Service

American Cancer Society: Chairman, 2010 Spring Gala

Responsible for organizing and executing fundraising gala. Despite bad national economy increased revenue over previous years while maintaining direct expenses of 18%. Duties include designing event, presiding over board meetings, recruiting committee members, creating new sponsors and donors, creating media sponsors, budgeting, supervision of event volunteers.

Saint John's Search & Rescue: Team Leader / Board Member

Responsible for aiding state police searching for lost subjects in and around New Mexico. Trained in logistics, communication, and operations as Section Chief for New Mexico. Duties include wilderness survival training, first aid and CPR, training students and volunteers, team building, attending board meetings, budgeting. Active from 2002-2006.

Run with the Angels: Event Director

Responsible for creating, organizing, and executing 2003 town run event benefiting the Kitchen Angels. Raised money and media awareness for local charity by creating 10K, 5K, and Kids-K race. Located on the Plaza and running through the historic district. Duties included concept design, course design, permitting, event marketing, creating new sponsors and donors, recruiting and training volunteers, registration, and supervision and execution of event.

Santa Fe Association of Realtors: Grievance Committee Member

The Grievance Committee reviews complaints alleging Code of Ethics violations and requests for arbitrations, forwarding cases to the Professional Standards Committee for hearings.

Education

2004-Present	Dearborn Real Estate Institute, Continuing Real Estate Education
2001-2003	George Washington University, Washington D.C, AMTA Program
1985-1988	College of Santa Fe, Santa Fe, NM, Bachelors of Accountancy

Activities & Interests

Fly-Fishing, Martial Arts, Writing, and Cooking

January 6, 2011

Penny Ellis-Green
Santa Fe County Manager's Office
PO Box 276
Santa Fe NM 87504

RE: Protest Valuation Board

Dear Ms Ellis-Green,

Please accept my application for the Protest Valuation Board. I am a licensed Architect, Realtor and General Contractor, and have abundant experience in property valuation in real estate sales, and in construction costs.

Please find my resume attached.

Thank you

Shirley McDougall
505 690 8710
McDougall88@gmail.com

TI09/01/2011 10:00 AM

Shirley McDougall

12 Wagon Meadow, Santa Fe NM 87505
505 690 8710 mcdougall88@gmail.com

PROFESSIONAL LICENSES General Contractor GB98, State of New Mexico
Architect, State of New Mexico
Real Estate Broker, State of New Mexico

EXPERIENCE **Integro, Inc. Design and Construction** 1998-present
Santa Fe New Mexico

- A Design Build construction company created to build residences, both custom and spec, 50% owner. Integro built 1 to 2 spec homes per year, and supplemented with another 1 to 2 custom homes per year. More information and photos and background bios can be found on Integro.us
- Responsible for running the company, and all design work, finishes, project management, client relations, ordering, budget, bidding, estimating, payroll, administration, and client relations.
- NABCEP certified for Photo Voltaic solar array installation

Santa Fe Realty Partners -present
Santa Fe, New Mexico

- Residential and Commercial Real Estate sales
- Licensed since 1996

Hogan Group, Inc 1989 to 1995
Formerly Yates Hogan Architects
Formerly Richard Yates Architects
Santa Fe NM

- Co-owner and project manager. Personal projects include:
- Kokoman Circus building, constructed by Bradbury and Stamm. Design, design development, construction administration.
- Multiple schools, both renovation and new construction Taos New Mexico, Santa Fe, Las Cruces.
- Contemporary Southwest Gallery, Paseo De Peralta and Canyon road, for owners Eddie and Peaches Gilbert.
- Many other projects

New York City Experience 1982 to 1989

Fox and Fowle Architects, Feb 87 to Aug 88

- Times Square Hotel, New York City. 40 stories. Project Architect for all Public spaces, including a 4 story atrium Skylobby, Restaurants, Health Club, conference facilities.

Moshe Safdie and Associates, Oct 86 to Feb 87

- Columbus Center, New York. 90-story office building for Solomon Brothers. Not constructed.

John Burgee Architects with Philip Johnson, Oct 84 to Oct 86

- 190 South LaSalle, Chicago. Member 4 person team for Design Development and working drawings. 48-story granite office

tower, inspired by Holibird and Root's razed "Rookery Building."
In charge of design and detailing for Public Spaces.

- Franklin Square, Washington, DC. Schematic Design and Design Development for a 12 Story office building.
- Times Square Center, New York. Member 2-person team for one of four tower project. Responsible for developing and refining the core, refinement of building façade, working drawing development.

Rafael Vinoly Architects, Jan 83 – Oct 84

- Lincoln West Tower A. Member 4-person team on a 40-story residential tower. Lobby design, façade and fenestration development, plaza level development, detailing, and structural and mechanical coordination.
- Central National Bank, Rockefeller Center, New York. Project Architect for an 1800 SF branch.

EDUCATION

University of Oregon

B of Architecture, 5 year professional degree

University of Puget Sound

Two years majoring in English/History, before changing to Architecture

January 7, 2011

Sent via email: pengreen@santafecounty.org

Dear Commissioners,

My name is Michael Hurlocker and I submit my name for your consideration, to be a member of the Santa Fe County Protest Valuation Board. I have lived in Santa Fe since 1972. I make my living by developing real estate, brokering real estate and building homes. I have a 12 year old son, Mason, and a twenty-two year old daughter, Brisa. I am married to Liz Karp and live at 1703 Purple Aster.

The state laws pertaining to the qualifications for being a member of a protest valuation board are "shall be a qualified elector of the county, shall have demonstrated experience in the field of valuation of property" and "nor shall any such member or alternate be employed by the state, a political subdivision or a school district during the term of his appointment." I have the experience of valuing property in the field and do not work for the state, the school district, or a political subdivision of the state, city, or county.

I have developed Cielo Lumbre, Las Lomas, Los Suenos, La Vida, La Mirada, Coyote Hills, La Serena, Sonrisa, Tessera, and other subdivisions and condominiums totaling over 380 lots, all in Santa Fe County. I brokered ranches for 2.5 years and have performed hundreds of comparative market analyses for clients to help them properly price their homes and land for sale. I have taken the five week long Certified Commercial Investment Member courses and can properly value income producing properties.

Thank you for your consideration.

A handwritten signature in black ink, appearing to read 'MH', is written over the typed name.

Michael Hurlocker

Resume

Michael Hurlocker

michael@hurlockerhomes.com

(505) 780-0740

P.O. Box 2587

Santa Fe, NM 87504

Education

St. John's College 1972-1974

CCIM (Certified Commercial Investment Member) Classes 1980 - 1982

GRI (Graduate Realtor Institute) designation

Professional licenses, Committees

New Mexico Real Estate Broker 1978 - Present

New Mexico General Contractor GB -98 1986 - Present

Member of Santa Fe City Archeological Review Committee 1995 - 2005

Member of Santa Fe County Arterial Roads Task Force 1996 - 1999

Member Santa Fe Board of Realtors 1978 - Present

Employment History

1974 - 1982 Carpenter, Plasterer

1978 - Present Broker, Hurlocker Properties, Inc.

1986 - Present Real estate development, investments, custom home construction, and ranch brokerage

Penny Ellis-Green

From: mudhouses@aol.com
Sent: Thursday, January 06, 2011 4:26 PM
To: Penny Ellis-Green
Subject: Protest Valuation Board

Penny Ellis Green
Santa Fe County Managers Office

Dear Penny

My name is Robert Frank. I would be very interested in sitting on the Protest Valuation Board. I am 56 years old and I have been a full time active licensed Real Estate Broker in Santa Fe for 33 years. I have been involved with the development of dozens of new developments within the city and county of Santa Fe. I have built several homes within the city and county of Santa Fe. I know Real Estate values as well as anyone, I know construction, and I know the cost of development. When I say I have been involved I mean that I have built, developed, and sold Real Estate my self. I have extensive experience in all three fields. I have experience with the protest of property values and I understand the issues with both the public and the county. I think I could be a contributing member on said board. I was on the Board of Adjustment for 8 plus years several years back. I am a native New Mexican as was my parents, grandparents, etc. many generations back. My Spanish is so so but is improving. My reason for wanting to sit on this board is that I would like to contribute to the community in some fashion and this is an area that I feel comfortable with. If you are interested in contacting me please feel free to call or email.

Sincerely

Robert L. Frank
505-699-9420
Mudhouses@aol.com

SFC CLERK RECORDED 02/10/2011

Robert L. Frank

2601 Hyde Park Road Santa Fe, New Mexico 87501

57 Years Old

Life time resident of New Mexico

Born 1/7/54 Espanola, New Mexico

Graduated College of Santa Fe 1977 BBA

Married to Peggy Frank for 38 years

1 Son Carlos Frank 36 yrs. old Works in Los Alamos Labs Architect/Design

Graduate of San Francisco School of Architecture

1 Daughter Kristie Frank 25 yrs. old Works/lives New York City Artist


Graduate of San Francisco Art School

Peggy own/ran Foxglove Antiques for 20 years Imported antiques from Europe.

Location of Business was across 10,000 waves.

I have been a Real Estate Broker for 33 years. As a broker I have sold thousands of Homes everywhere in the County and City. I have worked for several agencies through out this time. I also had a company call Mudhouses which built custom Adobe Homes in Santa Fe County and City. I also developed and worked along side several Developers in Santa Fe County and City.

I served on Board of Adjustments with the city of Santa Fe for 8 years.


Robert L. Frank

Date

Box 446
Tesuque Village
NM 87574

T 505-699-3492 US

M 04-1211-5159 AU

E johnmnye@yahoo.com.au

Santa Fe County Manager's Office

Attn: Penny Ellis-Green

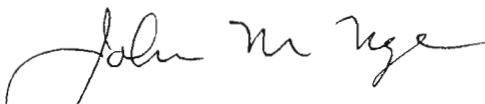
Re: Valuation Protest Board

Ms. Ellis-Green

I have been involved in the Real Estate Industry for over 30 years. My experience includes; Management , Development , Financial and Brokering.

My professional experience combined with my community involvement has given me experience and empathy with our Citizens and with the Political and Administrative aspects of the City and County. I believe I will bring a good balance to the Valuation Protest Board.

Sincerely



John M. Nye

Curriculum Vitae / Resumé

John Nye

John Nye has 25 years experience in real estate development throughout the United States, Canada, Mexico and the South Pacific.

His early experience was with Grantree Retail Corporation, where partial responsibilities included location selection, acquisition and development of distribution centers, sales showrooms and administrative office sites in 23 major cities in the US and Canada.

In the 1980's, his experience was primarily in Resort Land Development, with direct responsibility for the Product Development with the Rank Organization (British Corp., US Division). Duties included acquisition, approval (Federal, State and Local), design and construction of resort, land, hotel, timeshare and vacation home development.

In early 1990's, he moved to Santa Fe as Senior Vice President, where partial responsibilities included master planning, approval and development of Las Campanas de Santa Fe.

In 1997, he relocated to the Bay Area as COO of the California Business Unit of Trendwest Resorts. Responsibilities included expansion for resorts, sales showrooms and administrative centers.

Relocated with Trendwest in 2002 to Australia to lead the expansion and development of resorts, hotels and sales showrooms in the South Pacific, Australia, New Zealand and Fiji.

Since 1992 I have had a residence or land in Santa Fe County. Having returned to Santa Fe as a full time resident in 2007 I have been involved in commercial and residential real estate.

EDUCATIONAL

Bachelor of Finance, Portland State University

Double major — Marketing and Sociology

Graduate Studies

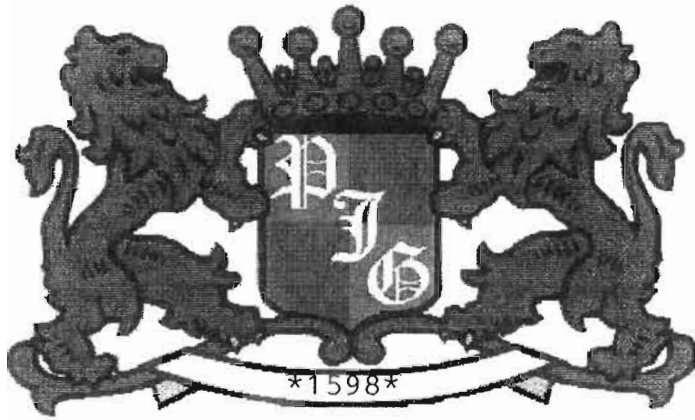
Stanford Management Graduate Courses

Ongoing professional and personal education courses

ASSOCIATIONS

- 1 ULI (Urban Land Institute)**
- 2 ARDA (American Resort Development Association)**
- 3 United Way of Santa Fe (Board Chairman)**
- 4 US Special Olympics (Coach)**

John resides in Tesuque, New Mexico. He is married with four adult sons.



January 5, 2011

Peter J. Gomez
11 W Guterries 3661
Santa Fe, Nm 87506
505-455-3324

Santa Fe County Manager
Penny Ellis-Green
P.O. Box 276
Santa Fe, NM 87504-0276

Dear Ms Ellis- Green,

Pursuant to the article in the newspaper I am applying for a position on the Santa Fe County Valuation Board.

Upon graduation from the College of Santa Fe in 1969, I joined the United States Marine Corps.

After being honorably discharged and returning to Santa Fe, my home town, I became a licensed real estate broker and was active for almost 30 years. I am retired now and have the time to donate and serve.

During this tenure I enrolled in continuing educations classes dealing with appraisal and valuation of real property both commercial and residential and have actual experience in this field.

I am familiar the county's valuation system and mil levy rates.

Also, I want to give back to my community which supported me and my family during my real estate career.

Therefore I believe that I would be an excellent candidate for your consideration for this position.

Thank you for attention to this matter.

Yours Truly,


Peter J. Gomez

RESUME

EDUCATION: College of Santa Fe, B.A. 1969: History, Sociology, Political Science Composite. Graduate Realtor's Institute 1974-1978. Continuing education in real estate 1974- 2004.

MILITARY: United States Marine Corps 1969-1971 Viet Nam era.

PROFESSIONAL

EXPERIENCE: Social Worker New Mexico Welfare Department 1971-1972.

Koscot Corporation based in Florida, USA. New Mexico representative in the marketing of sales motivation cassette tapes. 1972-1973

Pleasure Living Mobile Homes sales Santa Fe, NM Sales Agent from 1973-1974.

REAL ESTATE

EXPERIENCE: Became licensed Realtor and sales manager for Zia Agency real estate firm in Santa Fe, NM 1974-1976.

Started own real estate company, Peter J. Gomez Realty and operated it from 1976-2004.

New Mexico State Real Estate Commissioner from 2003-2005.

PRESENT: Retired, Single, have two grown daughters.

INTEREST,

HOBBIES: Enjoy physical workouts at the gym three times a week. Read three news papers a day. Avid fan of military history and southwest history.

Peter J. Gomez



January 10, 2011

Penny Ellis-Green

From: Jerry Shere [jerry_shere@yahoo.com]
Sent: Friday, January 07, 2011 6:43 PM
To: Penny Ellis-Green
Subject: tax protest board
Attachments: JS Resume 10.28.doc

Hi Penny,

I have been away from my computer and I realize that I may be late responding to this post regarding the open positions on the County Tax Protest Board. I live in Sunlit Hills (44 Camino Pacifico). I have been a resident of Santa Fe since 1969. I have been a licensed Realtor for 3 1/2 years. I have attached my resume for your review. If you can consider my application, I would appreciate it.

Regards,

Jerry Shere
505-660-7229 Cell

SFC CLERK RECORDED 02/18/2011

JERRY SHERE

44 Camino Pacifico
Santa Fe, NM 87508

(505) 660-7229 • jerry_shere@yahoo.com

PROFESSIONAL SKILLS

- Highly skilled in direct selling environments employing a compassionate and consultative sales technique.
- Experienced project manager with excellent attention to detail and ability to reach objectives in a team environment. Highly adaptable and compatible within the team.
- Effective problem solver able to achieve positive results in a respectful, tactful, and constructive manner.
- Excellent written and oral skills and accomplished public speaker to a wide variety of audiences.
- Skilled communicator and trainer able to write and develop programs and train managers and sales people to successfully implement programs and achieve objectives in a synergistic manner.
- Practiced at multi-tasking and able to maintain focus and sense of humor in changing environments.
- Strong entrepreneurial spirit requiring minimal supervision.
- Skilled at maintaining databases and thorough with follow up and building strong relationships.
- Competent with Microsoft Office, Adobe Acrobat, and comfortable with either PC or Mac environments.
- Accomplished researcher adept at compiling current product and market data to align products with desired markets and develop pertinent incentive programs.
- Successful at creating and implementing multi-layered marketing and branding programs using conventional and web-based media including blogs and social media and impactful retail displays.
- Skilled negotiator with a proven ability to achieve a positive outcome for all parties.
- Active competitor/participant in Cycling, Running, Skiing (Alpine and Nordic), and Multisport since 1988.
- Love to travel. Competed internationally in England, Ireland, Canada, Italy, Switzerland, and Belgium.
- Strong desire to effect positive change and be of value. Motivated by service, humility, and compassion for helping people achieve their goals and happiness.
- Possess a professional and fit image with exceptional integrity, loyalty, and honesty.

EMPLOYMENT

Jerry Shere Consulting, Santa Fe, NM, 5 years, June 2006 to present.

Owner, consultant sales, marketing, web (www.hurlockerhomes.com) development, residential construction administration, business development to Hurlocker Properties, Inc.; high-end bicycle service/sales to limited clientele; licensed Realtor.

Client: Michael Hurlocker 505-780-0740

Horace Automotive Group, Santa Fe, NM, 6 years, June 2000 to May 2006

General Manager/Sales Manager/Service Manager: As general manger responsible for the daily operation of the dealership; profitability; staffing; training; marketing; and branding.

Manager: Clif Horace 505-320-6211

Reason for leaving: Owner sold business and the new owner was his own GM.

Premier Motorcars of Santa Fe, Santa Fe, NM, 7 years, September 1993 to June 2000

General Manager/Sales Manager: Responsible for the profitable operation of a retail Honda, Subaru, VW automobile dealership.

Manager: Jerry Freeman, Sr., current phone number unknown.

Reason for Leaving: Pursue opportunity with previous employer.

High Country Subaru BMW, Santa Fe, NM, 3 years

General Manager

Julian Garcia's Honda City, Santa Fe, NM, 5 years

Service Director

Toyota Motors Corporation, Torrance, CA, 1 year

National Sales/Management Trainer

EDUCATION

Bachelor of Science, Animal Husbandry, University of California
Certified spin instructor
Licensed motorcycle referee USA Cycling
Licensed Realtor completed real estate courses and 30 hours of continuing education
Multiple Automotive Factory training for sales, management, and technical (parts and service)

ACCOMPLISHMENTS

Community Service: Restore donated bicycles and give them to interested teens to ride and develop a fitness lifestyle. Many of these kids ride, run, and train on a daily basis. This year, one of these people signed a pro contract with Team Exergy.

USA Triathlon: Qualified for, and competed in four (1993, 1999, 2003, and 2005) World Championships.

USA Cycling: Licensed Moto Referee, three time podium finisher Masters Nationals Cyclocross and Track. Licensed racer, riding for Team Ochsner (team manager), Velo del Norte, and thenationalsproject.com.

New Mexico Bike Racing Association: Multiple time State Champion Cyclocross and TT.

Southwest Challenge Series: Two time series age group champion (multisport).

Chrysler Corporation: Achieved Five Star certification for Horace Automotive Group. Wrote policies and procedures manuals and trained employees to function successfully in a customer focused business environment. Raised customer satisfaction scores (CSI) to acceptable levels for Five Star compliance.

REFERENCES

Bill T. Conway Writer/Producer, 505-820-1245 office, 505-690-2979 cell, wconway13@gmail.com

Michael Hurlocker Developer/Home Builder/Realtor, 505-988-3783 office, 505-780-0740,
michael@hurlockerhomes.com

Clif Horace Owner, Horace Automotive Group, 505-320-6211, clif@horacemotors.com

Robert Kaplan, PhD. President, Torrey Pines Health, 619-517-1350, rkaplan@torreypineshealth.com

January 7, 2011

To Whom it may Concern:

I am submitting a letter of interest to the Board of County Commissioners to serve on the Tax Protest Board.

Attached please find my resume and completed "*Questions For Applicants Seeking Appointment To A Board.*"

I served on the Agua Fria Development Review Committee for nearly eleven years ending in 2007. I know that during my time with the AFDRC, I have always made the right decision on our cases and I feel confident in our decisions.

Thank you.

Sincerely,

A handwritten signature in cursive script that reads "William H. Mee".

William H. Mee
2073 Camino Samuel Montoya
Santa Fe, N.M. 87507

(505) 473-3160

RESUMÉ

NAME: William Henry Mee, Jr. **HOME TELEPHONE:** 473-3160
ADDRESS: 2073 Camino Samuel Montoya **SOC. SEC. NUMBER:** upon request
Santa Fe, N.M. 87507-9297

APPOINTMENT OBJECTIVE:

To serve on the Tax Protest Board in a capacity that allows me to utilize my 26 years of public service experience, my Public Administration degree and my Land Title and Property Inspection experience to improve operational efficiency and customer service across the County Assessor's Office.

ATTRIBUTES:

<i>Creative</i>	<i>Detail-oriented</i>	<i>Loyal</i>
<i>Analytical Mind</i>	<i>Logical Thinking</i>	<i>Dependable</i>
<i>Problem Solving</i>	<i>Results-Driven</i>	<i>Dedicated</i>
<i>Critical Reasoning</i>	<i>Good Communicator</i>	<i>Organized</i>
<i>Computer Savvy</i>	<i>Honest</i>	<i>Hard Working</i>

KNOWLEDGE, SKILLS AND ABILITIES:

Knowledge of federal and state laws and regulations.
Interaction with the legislature and Governor's Office.
Policy and procedure development in a variety of fields (N.M. Administrative Code filings).
Newsletter writing, editing and publishing.
Extensive planning & management analysis background (systems analysis/cost-benefit analysis).
Statistical, economic and demographics analysis.
Grants Manager for multi-million dollar Federal Grant programs.
Supervision of up to ten (10) workers.
Prepared division-level budget and financial documents.
Author of numerous technical reports and studies.
Drafted numerous legal and contractual documents.
Working knowledge of State Personnel Board *Rules and Regulations*.
Extensive computer experience in a variety of software and applications.
Research and recommendation of new procedures, equipment and systems for top management.
General Services Dept. liaison on leases, tele-communications, buildings/capital projects, transportation.
State Records Center liaison on records and information systems.

EDUCATION:

1975 College of Santa Fe, Creative Writing course.
1976-77 New Mexico State University, Las Cruces, New Mexico: 54 Credit Hours.
1980 **B. A. in Public Administration** (minor business) College of Santa Fe; 132 credits.
1980-81 University of New Mexico, Santa Fe Branch Campus: enrolled in a Master's Degree Program in Public Administration.

Other certificates from various state-sponsored training courses.

WORK EXPERIENCE:

9/2003 to 12/2006	Staff Manager 3131 and 1111; Policy and Planning Manager/Bureau Chief, Policy and Planning Bureau, Office of the Director, Child Support Enforcement Division; Human Services Department; Santa Fe, New Mexico.
1/95 to 9/2003	Planner 3-D/BOS; Contracts, Economics and Outcomes Bureau and Child Care Bureau; Children, Youth and Families Department; Santa Fe, New Mexico.
4-91 to 1-95	Records Management Analyst 3; Records Management Division; State Records Center and Archives; Santa Fe, New Mexico.
4-90 to 4-91	Management Analyst 3; Community Assistance Section, Income Support Division, N.M. Human Services Department; Santa Fe, New Mexico.
7-89 to 4-90	Owner; Vintage Home Concepts; N.M. General Contractor's License #23387; Santa Fe, New Mexico.
12-85 to 7-89	Planner 4-D; Developmental Disabilities Planning Council (DDPC), Health Planning Division, N.M. Health and Environment Department; Santa Fe, N.M.
3-85 to 12-85	Management Analyst 3; Office of Management Analysis, Administrative Services Division, Health and Environment Department; Santa Fe, New Mexico.
6-81 to 3-85	Planner 1, 2 and 3-E; Special Studies Unit, Planning Division, New Mexico State Highway Department; Santa Fe, N.M.
10-80 to 6-81	Personnel Technician 2; Bureau of Employee Affairs, Administrative Services Division, N.M. Health and Environment Department; Santa Fe, New Mexico.

MISCELLANEOUS JOBS:

Senior Title Searcher; Title Examination Section, Santa Fe Abstract & Title Co. (12-77 to 10-80)
Assistant Manager for Commonwealth Theaters (1-79 to 1-80).
Attendant/Manager for San Marcos Campground (2-70 to 8-76).
Part-time financial planner (Mutual Funds) and insurance sales.
Financial Management Consultant for Native Home Builders (12-80 to 11-84).
Owner, IDEAS Management Consulting (Innovation Development, Evaluation, Analysis and Systems); January 1998 to present (RIM program implementation, website development, management analysis consulting).
Owner of Native Landscaping and Designs (11-84 to 12-89), Vintage Home Concepts (7-89 to 4-90 partnership) and Applied Building Concepts (5-90 to 12-1997). N.M. General Contractor's License No. 23387. Responsible for all aspects of the business.

MEMBERSHIPS AND VOLUNTEER ACTIVITIES:

United Communities of Santa Fe County, Steering Committee from 2009 to present.
Appointed by Governor Bill Richardson to the State of New Mexico's Employee Benefits Committee; 2003 to 2006.
Agua Fria Land Use Planning Committee; 2003 to 2006.
Turquoise Trail Volunteer Fire Department, charter family member; 1973 to 1980.
Cerrillos Rodeo Club and San Marcos Area Rifle and Target Shooting Club, officer; 1973 to 1976.
Agua Fria Well Owners Association, officer; 1981 to 1992.
Southwest Area Task-force (SWAT), charter member; neighborhood association; 1982 to 1987.
Citizens Advisory Group, Metropolitan Planning Task Force; 1984 to 1987.
Citizens Advisory Committee, Santa Fe Relief Route Study; 1984 to 1985.
Association of Records Managers and Administrators (ARMA); 1985 to 1986, member; 1991 to 2002, member; 1994 to 1996, Secretary; Newsletter Editor; member to 1998.
City of Santa Fe Master-plan participant with the Citizens Advisory Group; 1987 to 1989.
Employee Incentive Awards Committee; N.M. Health and Environment Department; 1988.
Agua Fria Village Association; member; 1993 to present.
Santa Fe Quality Network (affiliate of Quality New Mexico), charter member; July 1993 to July of 1996.
Ortiz Middle School, Parent Advisory Group (PAG); charter member; 1995 to 1998.
Outdoor Club; Parent Sponsor; 1996 to 1998 (providing recreational opportunities to adolescents).
Agua Fria Development Review Committee (AFDRC) member; March, 1996 to 2007 (appointed by Board of County Commissioners, Santa Fe County to study land use issues; annual appointment).
Quality New Mexico, member and examiner; 1996 to 2002.
Santa Fe Railyard Study Process member; March 1997.
Employees Quality Improvement Program (EQuIP), charter member; 1997-98 (state employee quality circle).
Voter Services Coalition, charter member; 1998 to 2007 (conducts non-partisan voter registration and education projects).
Citizens' Fund for American Democracy, charter member; 1998 to 2003 (when pending 501(c)3 status was rejected).

REFERENCES AVAILABLE UPON REQUEST

Penny Ellis-Green

From: tandres@q.com on behalf of Honorio Andrés [Rajnidog@q.com]
Sent: Friday, January 07, 2011 2:57 PM
To: Penny Ellis-Green
Subject: County Valuation Protest Board
Attachments: RESUME.docx

Ms Green-Ellis,

Attached is my resume, which I am submitting for a position on the County Valuation Protest Board.

Please do not hesitate to contact me with any questions you may have.

Honorio Andrés

REC'D GREEN RECORDING DIV JAN 10 2011

RESUME

Honorio E Andrés

Professional Experience

- Apr, 1963 - Sep, 1966
Union Trust Company, Washington, DC
Audit Department: Verify physical presence and totals of T-bills, securities and other financial instruments; verify tellers' cash and other transactions.
- Sep, 1966 - Sep, 1968
The Washington Post Company, Washington, DC
Comptroller Department: Gather, analyze and report component costs of printing newspaper and recommend means to correct over- budget expenses.
- Sep, 1968 - Sep, 1975
World Bank, Washington, DC
Computing Division: until earning BBA
Treasurer's Department: Analyze and report investments to fund staff retirement plan.
- Sep, 1975 - Jul, 1991
International Monetary Fund (IMF), Washington, DC,
Treasurer's Department: Acquaint new US and international staff, as employees of an international organization, with their respective countries' income tax requirements and IMF retirement plan; prepare, issue reimbursements for quarterly payments and W2, W3, and 1099 forms and retirement plan; follow and make recommendations for necessary changes and updates to income tax filings for US and certain international staff.
- Jul, 1991- present
Andrés Tax and Accounting (self-employed), Edgewood, NM
Advise corporate, partnership and sole proprietorship business owners and individuals regarding tax strategies, requirements and filings; prepare income and other required tax forms throughout the year for all the above.

Education and Languages

- BBA, accounting major. 1975
The George Washington University, Washington, DC
- Enrolled Agent (EA), 1991
License to practice and represent clients before the Internal Revenue Service
U.S. Treasury Department
- Bilingual, English and Spanish

Contact Information

71 Living Water Road
Edgewood, NM 87015-9402

505-286-8770(h) ... 505-850-7682(c)
rajnidog@q.com

SANTA FE COUNTY SATELLITE OFFICES OCTOBER – DECEMBER 2010 REPORT

Overview

The County has three satellite offices within the County which are open three days out of the week to the public. All three offices – Edgewood, Eldorado, and Pojoaque - are staffed by rotating Community Services staff and the Constituent Liaisons. The objective of the offices is to provide as many services as possible to our constituents in their area.

Activity

The activity level at the Satellite Offices has slowed down during these past three winter months. This quarter, the offices issued only 361 landfill permits as compared to the last quarter's 2,190 permits for the months of July, August, and September. This quarter the Satellite Offices handled approximately 115 other constituent requests as compared to over 418 during the previous quarter.

Reports

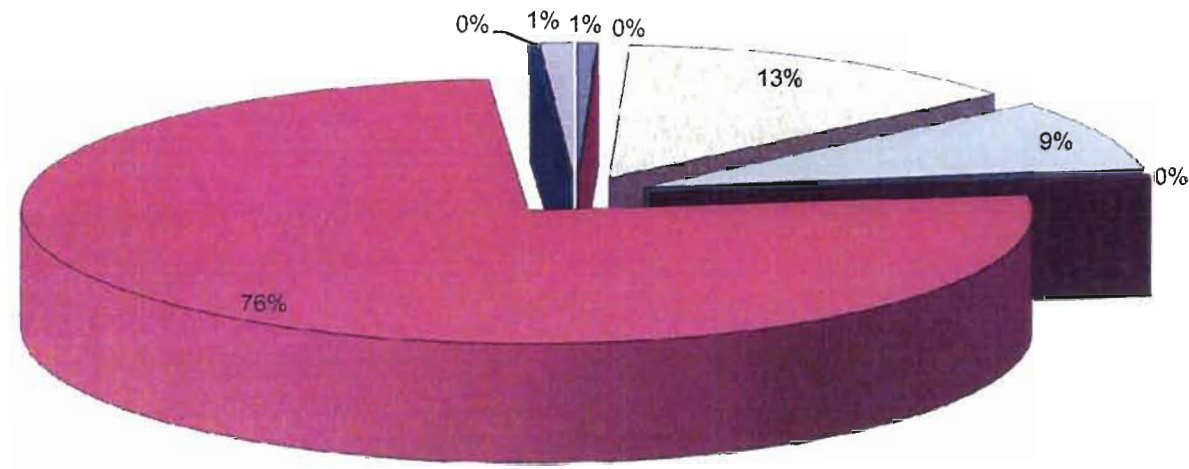
Attached are the following documents:

- Satellite Office Activity Level by Location
- Combined Activity Level per Department

SATELLITE OFFICE ACTIVITY LEVEL
October - December 2010

Location	Assessor	ASD	Clerk	CSD	Grth Mgt.	LF Permits	Sheriff	Treasurer	other	Office Total
Edgewood	3	0	21	9	2	75	0	1	0	111
Eldorado	0	0	28	31	0	234	0	1	0	294
Pojoaque	<u>0</u>	<u>0</u>	<u>14</u>	<u>1</u>	<u>0</u>	<u>52</u>	<u>1</u>	<u>3</u>	<u>0</u>	<u>71</u>
Dept. Total	3	0	63	41	2	361	1	5	0	476

**Combined Activity Level per Department
October - December 2010**



- Assessor
- ASD
- Clerk
- CSD
- Grth Mgt.
- LF Permits
- Sheriff
- Treasurer

LEGISLATIVE SESSION 2011

Session Begins	January 18, 2010	12:00PM
Last day for Bill Introduction	February 17, 2010	
Last day of session	March 19, 2010	12:00PM

- Property Tax Solutions** - Address property tax issues in terms of equity, constitutionality, and revenue adequacy. (Assessors) This is the bill that will be introduced to address the tax lightning issue by placing a cap on the overall valuation. The bill has yet to obtain a sponsor, but has been explained to the Tax and Rev. Stabilization Committee.
Santa Fe County's Deputy Assessor has drafted the proposed legislation and supports the bill.
- Vote Centers** - Support the establishment of County option Election Day vote centers (Clerks). This bill would allow for individuals to vote at a center other than their required precincts voting place. This is proposed as a local option, which should be economically beneficial, due to eliminating the number of ballots, polling places.
Santa Fe County Clerk is in support of this bill as drafted and supports this legislation.
- 911 Surcharge** - Ensure that all technologies utilizing 911 services are contributing equally to the state 911 Fund. Currently there is a .51 cent surcharge on all landline and wireless telephones for the E-911 DFA grant fund. The money is currently used for training, network and equipment costs related to E-911 services. This bill is meant to expand and include voice over internet protocol (VOIP) and pre-paid wireless telephones and phone card services that currently do not contribute to the 911 fund.
The RECC of Santa Fe County has been working with the NMAC and supports this bill.
- Right-of-Way Fees** - Authorize County collection of rights-of-way fees for use of County public highways, streets and alleys. Currently the law authorizes municipalities to enter into right-a-way agreements for the purpose of construction and operations of a public utility where as Counties are authorized to enter into a right-of-way agreement to permit public utilities use of public highways and streets to locate various fixtures, appliances and structures. This bill will allow the County to collect right-of-way fees from utility companies, corporations or other right-of-way users for the use of County public highways, streets and alleys.
The NMAC is in support of this legislation and Santa Fe County supports this bill.
- Continuity of Hold Harmless Provisions** - Protect local governments by retaining full hold harmless protections from the effect of removing gross receipts taxes from food and medicine. There will be bills introduced regarding the Hold Harmless Provisions which will impact County governments by approximately \$27 million and Santa Fe County would be impacted by approximately \$4 million dollars.
Santa Fe County will oppose any legislation which reverses the Hold Harmless Provisions, without a compensating revenue source.

- **Mentally Ill in Detention Facilities** - Develop strategies to reduce the number of people with mental health disorders who are in detention facilities or who require law enforcement intervention. This will be a memorial similar to SJM 45, which will examine options or alternations for the mentally ill in detention facilities.
- **Return to Work** - Amend the Public Employees Retirement Act (PERA) language to (1) repeal the requirement that retired elected officials pay into the PERA system, (2) provide an exemption for seasonal poll workers and (3) clarify policy of grandfathered undersheriffs.

The NMAC is in support of this legislation and Santa Fe County supports this bill.

- **Procurement Code Modifications and Correction Initiatives** - Bernalillo County has adopted Resolution No. AR 2010-83 as amended which adopts several changes to correction initiatives dealing with revenue reductions, funding sources, penalty assessment fees, and correction fund distribution by the A.O.C.

The SFC Procurement Code manager has reviewed the proposed modifications and is in agreement with the following:

Amend NMSA 13-1-156 (A), Trade or exchange of used items; appraisal required, increase the estimated value of which exceeds five thousand dollars (\$5,000) to fifty thousand dollars (\$50,000).

Santa Fe County procurement agrees that this threshold should be increased to \$50,000.

Amend NMSA 13-1-155 (A) and (B), Procurement of used items; appraisal required; county road equipment exception for auctions, increase the estimated cost of which exceeds five thousand dollars (\$5,000) to fifty thousand dollars (\$50,000).

Santa Fe County procurement agrees that this threshold should be increased to \$50,000.

- **Capital Outlay Funding** – Santa Fe County will continue efforts to negotiate with DFA/LFC regarding ongoing projects. Santa Fe County will also submit capital outlay request for the County's top five ICIP priorities based on a Resolution No. 2010-161 which was approved on September 14, 2010.

Santa Fe County Fire Equipment	\$3,000,000
RECC Facility Expansion & Equipment	\$2,750,000
Santa Fe County Public Works Equipment	\$3,500,000
Santa Fe County Corrections Facility Improvements	\$4,800,000
Santa Fe County Public Housing Sites	\$1,500,000

Santa Fe County will continue monitor and track any legislation that is introduced which might impact the County. Staff will continue efforts to in assist the NMAC, NMML, the City of SF and any other Governmental Entities as directed by the County Manager and Commission.

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LEGISLATIVE PRIORITIES

Adopted By:

*NMAC Board of Directors
August 5th & October 8th, 2010
Las Vegas & Socorro., NM*

NEW MEXICO ASSOCIATION OF COUNTIES 2011 LEGISLATIVE PRIORITIES

- Address property tax issues in terms of equity, constitutionality, and revenue adequacy. (Assessors) Page 3 - 7
- Support the establishment of county-option Election Day vote centers. (Clerks) Page 8
- Develop strategies to reduce the number of people with mental health disorders who are in detention facilities or who require law enforcement intervention. (Detention Administrators) Page 9 - 13
- Ensure that all technologies utilizing 911 services are contributing equally to the state 911 Fund. (E-911 Directors, GIS/Rural Administrators, Fire & Emergency Managers, Sheriffs) Page 14 - 15
- Authorize county collection of rights-of-way fees for use of county public highways, streets and alleys. (Board of Directors) Page 16 - 18

The Association will continue to oppose legislation that significantly erodes its revenue base and preempts local autonomy.

The NMAC Board has also endorsed two issues as non-priority initiatives for 2011:

- Protect local governments by retaining full hold harmless protections for effect of removing gross receipts tax from food and medicine. Page 20 - 21
- Amend the Public Employees Retirement Act (PERA) language To (1) repeal the requirement that retired elected officials pay into the PERA system, provide an exemption for seasonal poll workers and (3) clarify treatment of grandfathered undersheriffs. Page 22

**THE NEW MEXICO ASSOCIATION OF COUNTIES
EXECUTIVE COMMITTEE**

Officers	District Representatives
Mary Ann Sedillo, President Grant County Commissioner	Valerie Espinoza, District I Santa Fe County Clerk
Sarah G. Merklein, President Elect Catron County Treasurer	Robert Casados, District II Harding County Commissioner
Andrew D. Chavez, Vice President Taos County Commissioner	Patrick Padilla, District III Bernalillo County Treasurer
Tony Atkinson, Past President San Juan County Commissioner	Marcos Salas, District IV Guadalupe County Treasurer
Sharon Stover, Treasurer Los Alamos County Commissioner	Javier Diaz, District V Luna County Commissioner
Paul Gutierrez NMAC Executive Director	Karen Robinson, District VI Eddy County Assessor

THE NMAC BOARD OF DIRECTORS

Patrick Padilla, Bernalillo County	David Dallago, McKinley County
Sarah Merklein, Catron County	Peter Martinez, Mora County
Rhoda Coakley, Chaves County	Grace Gonzalez, Otero County
Elisa Bro, Cibola County	Janie Murray, Quay County
Rayetta Trujillo, Colfax County	Alfredo Montoya, Rio Arriba County
Daniel Stoddard, Curry County	Jake Lopez, Roosevelt County
Tommy Roybal, De Baca County	Dr. Jim Henderson, San Juan County
Oscar Vasquez-Butler, Doña Ana County	June Garcia, San Miguel County
Karen Robinson, Eddy County	John Paul Trujillo, Sandoval County
Randy Villa, Grant County	Valerie Espinoza, Santa Fe County
Marcos Salas, Guadalupe County	Walter Armijo, Sierra County
Robert Casados, Harding County	Ruben Savedra, Socorro County
Harold Kuenstler, Hidalgo County	Andrew Chavez, Taos County
Dee Robinson, Lea County	James "Jim" Frost, Torrance County
Beverly Calaway, Lincoln County	Joyce Ann Sowers, Union County
Sharon Stover, Los Alamos County	Viola Garcia-Vallejos, Valencia County
Ruben Javier Diaz, Luna County	
Ex-Officio members:	
Patrick Padilla, NACo Board Member (Urban)	Nicklos Jaramillo, Multi-Line Rep.
Janie Murray, NACo Board Member (Rural)	Scott Krahling, Workers' Comp. Rep.
Ronald Brown, WIR Board member	Paul Gutierrez, Executive Director

NEW MEXICO ASSOCIATION OF COUNTIES

ASSESSOR'S AFFILIATE

RESOLUTION NUMBER 1

PROPERTY TAX SOLUTIONS

WHEREAS, in 1998, an amendment to Article 8, Section 1 of the New Mexico constitution, requiring that a limitation on residential properties be implemented, was approved by the people of New Mexico; and

WHEREAS, in 2000, Section 7-36-21.2 NMSA 1978, enacted by the state legislature, to comply with the amended requirements of the Constitution of New Mexico, provides for a 3% limitation of the assessed full value of residential property; and

WHEREAS, the statutory limitation placed on the value of residential property that did not have a change in ownership in the last year may not exceed an increase of three percent per year; and

WHEREAS, upon a change in ownership, the value of the property is increased to the current and correct or market value of the property, and in some counties in which market values of property have increased more than three percent per year, the values of properties that have changed ownership since 2002 have increased substantially when valued at the current and correct values; and

WHEREAS, approximately one-third of the residential housing in New Mexico has changed ownership since 2001, and serious inequities have developed in the tax system, with similarly situated taxpayers having substantially different tax burdens on very similar properties; and

WHEREAS, two New Mexico district court cases, decided in Bernalillo county, have determined that Section 7-36-21.2 NMSA 1978 is unconstitutional, resulting in increases in the number of taxpayer

protests and lawsuits regarding valuations and tax bills in some counties, and a case is pending before the New Mexico Court of Appeals to determine whether Section 7-36-21.2 NMSA 1978 is unconstitutional; and

WHEREAS, while counties have the greatest reliance on property tax revenue, property taxes also provide essential funds to municipalities, state debt service, school districts, community colleges, soil and water conservation districts, conservancy districts, hospital districts and other special districts for operations and capital needs; and

WHEREAS, a resolution to the aforementioned property tax issues must include: 1) a mechanism to correct inequities between property owners, 2) a solution to the perceived constitutionality problem and 3) the assurance of adequate funds for local governments to continue to provide services to the people;

NOW THEREFORE BE IT RESOLVED that the New Mexico Association of Counties support legislation that would address the many issues affecting tax payers arising from the administration of the property tax and the statutory and constitutional language now creating the framework for the property tax.

Date:

6-17-10

Signed



Assessors Affiliate Chair

NEW MEXICO STATE CONSTITUTION

Article VIII

Section 1. [Levy to be proportionate to value; uniform and equal taxes; percentage of value taxed; limitation on annual valuation increases.]

A. Except as provided in Subsection B of this section, taxes levied upon tangible property shall be in proportion to the value thereof, and taxes shall be equal and uniform upon subjects of taxation of the same class. Different methods may be provided by law to determine value of different kinds of property, but the percentage of value against which tax rates are assessed shall not exceed thirty-three and one-third percent.

B. The legislature shall provide by law for the valuation of residential property for property taxation purposes in a manner that limits annual increases in valuation of residential property. The limitation may be applied to classes of residential property taxpayers based on owner-occupancy, age or income. The limitations may be authorized statewide or at the option of a local jurisdiction and may include conditions under which the limitation is applied. Any valuation limitations authorized as a local jurisdiction option shall provide for applying statewide or multi-jurisdictional property tax rates to the value of the property as if the valuation increase limitation did not apply. (As amended November 3, 1914, November 2, 1971 and November 3, 1998.)

7-36-21.2. Limitation on increases in valuation of residential property.

A. Residential property shall be valued at its current and correct value in accordance with the provisions of the Property Tax Code [7-35-1 NMSA 1978]; provided that for the 2001 and subsequent tax years, the value of a property in any tax year shall not exceed the higher of one hundred three percent of the value in the tax year prior to the tax year in which the property is being valued or one hundred six and one-tenth percent of the value in the tax year two years prior to the tax year in which the property is being valued. This limitation on increases in value does not apply to:

- (1) a residential property in the first tax year that it is valued for property taxation purposes;
- (2) any physical improvements made to the property during the year immediately prior to the tax year or omitted in a prior tax year; or
- (3) valuation of a residential property in any tax year in which:
 - (a) a change of ownership of the property occurred in the year immediately prior to the tax year for which the value of the property for property taxation purposes is being determined; or
 - (b) the use or zoning of the property has changed in the year prior to the tax year.

B. If a change of ownership of residential property occurred in the year immediately prior to the tax year for which the value of the property for property taxation purposes is being determined, the value of the property shall be its current and correct value as determined pursuant to the general valuation provisions of the Property Tax Code.

C. To assure that the values of residential property for property taxation purposes are at current and correct values in all counties prior to application of the limitation in Subsection A of this section, the department shall determine for the 2000 tax year the sales ratio pursuant to Section 7-36-18 NMSA 1978 or, if a sales ratio cannot be determined pursuant to that section, conduct a sales-ratio analysis using both independent appraisals by the department and sales. If the sales ratio for a county for the 2000 tax year is less than eighty-five, as measured by the median ratio of value for property taxation purposes to sales price or independent appraisal by the department, the county shall not be subject to the limitations of Subsection A of this section and shall conduct a reassessment of residential property in the county so that by the 2003 tax year, the sales ratio is at least eighty-five. After such reassessment, the limitation on increases in valuation in this section shall apply in those counties in the earlier of the 2004 tax year or the first tax year following the tax year that the county has a sales ratio of eighty-five or higher, as measured by the median ratio of value for property taxation purposes to sales value or independent appraisal by the department. Thereafter, the limitation on increases in valuation of residential property for property taxation purposes in this section shall apply to subsequent tax years in all counties.

D. The provisions of this section do not apply to residential property for any tax year in which the property is subject to the valuation limitation in Section 7-36-21.3 NMSA 1978.

E. As used in this section, "change of ownership" means a transfer to a transferee by a transferor of all or any part of the transferor's legal or equitable ownership interest in residential property except for a transfer:

- (1) to a trustee for the beneficial use of the spouse of the transferor or the surviving spouse of

a deceased transferor;

- (2) to the spouse of the transferor that takes effect upon the death of the transferor;
- (3) that creates, transfers or terminates, solely between spouses, any co-owner's interest;
- (4) to a child of the transferor, who occupies the property as his principal residence at the time of transfer; provided that the first subsequent tax year in which that person does not qualify for the head of household exemption on that property, a change of ownership shall be deemed to have occurred;
- (5) that confirms or corrects a previous transfer made by a document that was recorded in the real estate records of the county in which the real property is located;
- (6) for the purpose of quieting the title to real property or resolving a disputed location of a real property boundary;
- (7) to a revocable trust by the transferor with the transferor, the transferor's spouse or a child of the transferor as beneficiary; or
- (8) from a revocable trust described in Paragraph (7) of this subsection back to the settlor or trustor or to the beneficiaries of the trust.

COUNTY CLERKS AFFILIATE RESOLUTION

In Support Of:

VOTE CENTERS

July 23, 2010

At the meeting of the Clerks Affiliate on July 23, 2010 in Las Cruces, New Mexico, the County Clerks Affiliate approved Vote Centers as the primary legislative goal for 2010. What follows is a resolution in support of the position of the County Clerks Affiliate:

Whereas, Vote Centers would allow registered voters to vote at any location on Election Day (like they can do now at the Clerk's Office and at alternate Early Vote sites).

Whereas, Vote Centers would reduce the number of polling locations on Elections Day (increasingly there are fewer and fewer registered voters waiting until Election Day to vote).

Whereas, Voter Centers would allow the use of ballot-on-demand-type systems on Election Day (as are currently used in most counties for Early and Absentee voting).

Whereas, Vote Centers would save the county money (because the Election Day operation would be run more efficiently).

Whereas, Vote Centers would save the state money (because most ballots would not have to be pre-printed).

Whereas, Vote Centers would be pursued as a County-Option (so that each Board of County Commissioners chooses what is best for their County).

THEREFORE, BE IT RESOLVED, that the County Clerks Affiliate of the New Mexico Association of Counties endorses Vote Centers as its primary legislative initiative for the 2011 Legislative Session.

NEW MEXICO ASSOCIATION OF COUNTIES

DETENTION ADMINISTRATORS AFFILIATE

RESOLUTION NUMBER ~~4~~ 3

MENTALLY ILL IN DETENTION FACILITIES STUDY

WHEREAS, one of the greatest challenges facing law enforcement agencies and detention centers is how to respond to people who have mental health disorders; and

WHEREAS, law enforcement agencies are the first-line responders to people with mental health disorders who are not receiving treatment and care, and

WHEREAS, current statute permits people with mental health disorders to be taken to detention facilities for protective custody regardless of whether they have committed criminal acts warranting arrests; and

WHEREAS, many people with mental disorders are held in detention facilities for misdemeanor charges due to a lack of available treatment or community support and this segment of the inmate population is growing rapidly; and

WHEREAS, the burden for addressing mental health issues in New Mexico communities has been left to counties where detention centers have become de facto mental health facilities; and

WHEREAS, detention centers are ill-equipped to deal with this population and incarceration often results in the rapid deterioration of the inmate mental health; and

WHEREAS, individuals with mental health disorders are not helped by incarceration; and

WHEREAS, the current situation exposes the state and local government to substantial liability; and

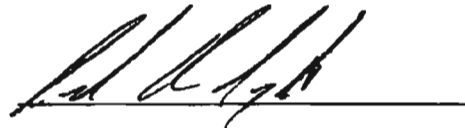
WHEREAS, individual agencies cannot provide the solution to this problem because it is a systemic problem that requires collaboration and development of strategies as well as health care providers and advocacy organizations;

NOW, THEREFORE, BE IT RESOLVED that the New Mexico Association of Counties seeks legislation that would require the interagency behavioral health purchasing collaborative, through the behavioral health planning council, be requested to convene stakeholders to develop humane and effective strategies to serve people with mental health disorders that require law enforcement intervention and to reduce the number of people with mental health disorders in detention centers.

Date: 06/12/00



Detention Administrator's Affiliate Chair



Elected Official's Affiliate Chair

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SENATE JOINT MEMORIAL 45
49TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2010
INTRODUCED BY
Sue Wilson Beffort

A JOINT MEMORIAL
REQUESTING THE INTERAGENCY BEHAVIORAL HEALTH PURCHASING
COLLABORATIVE AND ITS MEMBER DEPARTMENTS TO STUDY THE NEEDS OF
AND AVAILABLE RESOURCES FOR PEOPLE WITH MENTAL HEALTH DISORDERS
IN CRISIS SITUATIONS AND TO DEVELOP STRATEGIES TO IMPROVE
SERVICES, TREATMENT AND CARE OUTSIDE OF LAW ENFORCEMENT AND
DETENTION IN ORDER TO REDUCE THE NUMBER OF PEOPLE WITH MENTAL
HEALTH DISORDERS WHO ARE IN DETENTION FACILITIES OR REQUIRE LAW
ENFORCEMENT INTERVENTION.

WHEREAS, one of the greatest challenges facing law
enforcement agencies and detention centers is how to respond to
people who have mental health disorders; and

WHEREAS, law enforcement agencies are the first-line
responders to people with mental health disorders who are not
receiving necessary treatment and care; and

.181456.1

underscoring material = new
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1 WHEREAS, current statute permits people with mental health
2 disorders to be taken to detention facilities for protective
3 custody regardless of whether they have committed criminal acts
4 warranting arrest; and

5 WHEREAS, many people with mental health disorders are held
6 in detention facilities for misdemeanor charges due to a lack
7 of available treatment or community support; and

8 WHEREAS, the burden for addressing mental health issues in
9 New Mexico communities has been left to counties where
10 detention centers have become de facto mental health
11 facilities; and

12 WHEREAS, detention centers are ill-equipped to deal with
13 this population; and

14 WHEREAS, individuals with mental health disorders are not
15 helped by incarceration; and

16 WHEREAS, the current situation exposes the state and local
17 government to substantial liability; and

18 WHEREAS, individual agencies cannot provide the solution
19 to this problem because it is a systemic problem that requires
20 collaboration and development of strategies among federal,
21 state, county and municipal government as well as health care
22 providers and advocacy organizations;

23 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE
24 STATE OF NEW MEXICO that the interagency behavioral health
25 purchasing collaborative, through the behavioral health

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SFC CLERK RECORDED 02/18/2011

underscoring material = new
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1 planning council, be requested to convene stakeholders to
2 develop humane and effective strategies to serve people with
3 mental health disorders in order to reduce the number of people
4 with mental health disorders that require law enforcement
5 intervention and to reduce the number of people with mental
6 health disorders in detention centers; and

7 BE IT FURTHER RESOLVED that stakeholders include but not
8 be limited to representatives from the New Mexico association
9 of counties; the New Mexico municipal league; the department of
10 health; the human services department; the training and
11 recruiting division of the department of public safety; the
12 aging and long-term services department; the corrections
13 department; the New Mexico behavioral health institute at Las
14 Vegas; the New Mexico hospital association; the protection and
15 advocacy system; federal, state and county law enforcement; and
16 peer specialists that represent the local behavioral health
17 collaboratives and their constituents and families; and

18 BE IT FURTHER RESOLVED that the interagency behavioral
19 health purchasing collaborative be requested to report its
20 findings to the appropriate interim legislative committee by
21 December 1, 2010; and

22 BE IT FURTHER RESOLVED that copies of this memorial be
23 transmitted to the directors of the New Mexico association of
24 counties and the New Mexico municipal league and to the
25 secretaries of health, human services, aging and long-term

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services and children, youth and families.

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NEW MEXICO ASSOCIATION OF COUNTIES

E-911 DIRECTORS' AFFILIATE

RESOLUTION NUMBER 1

THE NEW MEXICO 911 ACT REVISION

WHEREAS, 63-9D NMSA 1978 provides that a surcharge be paid by all landline telephone and wireless customers in New Mexico, to provide 911 equipment and training; and

WHEREAS, the revenue generated from the 911 surcharge has declined due to a decrease in landline customers, and an increase in emerging technology including, but not limited to, prepaid wireless and voice over internet protocol; and

WHEREAS, prepaid wireless and voice over internet protocol customers do not currently pay the 911 surcharge, but receive the same quality of 911 service as the customers who pay the surcharge;

NOW THEREFORE BE IT RESOLVED that the New Mexico Association of Counties seeks legislation to amend the 911 surcharge statute (63-9D, NMSA 1978) to ensure all technologies utilizing 911 services are contributing equally to the New Mexico 911 Fund.

Date: 6-10-10
Shelley Valdez
E-911 Directors' Affiliate Chair

[Signature]
Elected Official's Affiliate Chair

[Signature] acting
Chair
GIS/Rural Addressing Affiliate Chair

[Signature]
Sheriff's Affiliate Chair

[Signature]
Fire and Emergency Managers' Affiliate Chair

1. Issue: Changing consumer communications preferences are lowering New Mexico's E-911 surcharge revenues an estimated \$2.15 million annually and potentially threatening the integrity of E-911 service.

Solution: Extend Surcharge to VoIP and Prepaid Wireless

Nationally and in NM, prepaid wireless mobile service and VoIP are growing while traditional landline telephone service is declining. Neither of these two services contribute to the E-911 fund even though prepaid wireless and VoIP consumers *do* connect and *benefit* from the E-911 system. This results in a combined annual loss of \$2.15 million to the E-911 fund, as follows (See Attachment A for details):

- Abandonment of fixed landline telephone service to less costly Voice over Internet Protocol (VoIP) service: **Loss of revenue to VoIP: \$.42 Million (\$414,918)**
- Abandonment of wireless annual service contracts to more flexible prepaid wireless phone cards. **Loss of revenue to Prepaid Wireless: \$1.7 Million (\$1,731,550)**

This trend is expected to continue. The proposed legislation changes the statute to extend the E-911 surcharge to these services to help recover the cost of providing E-911 service through them.

2. Issue: Technology and consumer preferences will continue to impact the E-911 fund, potentially requiring repeated amendments to the statute.

Solution: Broaden statutory scope to encompass all communication services by replacing "telecommunication" service/s with "communication" service/s throughout the statute.

New Mexico's E-911 statute uses "telecommunication services" in referencing its existing E-911 technologies or system capabilities. This "telecommunication services" language is outdated and will be further challenged by the continuing and fast paced rate of change in technology and consumer tastes. Personal and business communication is moving away from traditional telephone and telecommunication technologies to Internet Protocol (IP) enabled communication technologies and advancements that enable callers to send and receive text messages, photographs and streaming videos with their devices. These technologies will increasingly impact the E-911 system as *the public comes to expect E-911 access with them.*

As recommended in the September 2009 *National Plan for Migrating to IP-Enabled E-9-1-1 Systems*, it is important for New Mexico to update our law and the regulation:

- to be technology-neutral
- to facilitate access of all communication devices

This proposed legislation changes the statute to replace "telecommunication" services with "communication" service. This term encompasses newer technology and emerging providers and will better allow the extension of the surcharge to future communication services regardless of their underlying technologies. Additionally, this change updates the statute to be technology-neutral to support the implementation and funding of IP-enabled 911. Other definitions are modified or added for prepaid wireless, VoIP, Next Generation and IP-Enabled E-911.

NEW MEXICO ASSOCIATION OF COUNTIES
BOARD OF DIRECTORS
RESOLUTION NUMBER 1
MUNICIPAL AND COUNTY RIGHT-OF-WAY FEES

WHEREAS, Sections 3-42-1 and 3-42-2 NMSA 1978 authorize municipalities in New Mexico to enter into right of way agreements for the purpose of construction and operation of a public utility; and Section 62-1-3 NMSA 1978 authorizes counties in New Mexico to enter into right of way agreements to permit public utilities to use public highways and streets to locate various fixtures, appliances and structures; and

WHEREAS, municipalities are permitted to charge a reasonable right of way fee as compensation for the use of the public streets and right of way by public utilities; but counties have been prohibited by opinions of the Attorney General of New Mexico and the last sentence of NMSA 62-1-3 from charging a reasonable right of way fee; and

WHEREAS, the use of public right of way by public utility companies without the payment of a reasonable fee constitutes a disposition of an interest in real property without compensation and therefore violates the anti-donation clause of the Constitution of New Mexico; and

WHEREAS, the appropriate resolution of the issues surrounding the right of way fees is the granting of consistent statutory authority for municipalities and counties to impose reasonable right of way fees;

NOW THEREFORE BE IT RESOLVED, that the New Mexico Association of Counties seeks legislation that would authorize a county to collect right of way fees from utility companies or corporations or other right-of-way users for the use of county public highways, streets and alleys.

APPROVED, PASSED AND ADOPTED this 8th day of October 2010 by the New Mexico Association of Counties Board of Directors.

By: _____

Mary Ann Sedillo, President

ATTEST:

By: _____

Paul Gutierrez, Executive Director

SFC CLERK RECORDED 02/10/2011

*PLEASE NOTE THE 202
NUMBER AND ATTACH
PREPARED BILL TO MESSAGE
FOR INTRODUCTION



12-01-2010

State of New Mexico
Office of the Governor

Bill Richardson
Governor

February 1, 2010

SENATE EXECUTIVE MESSAGE NO. 64

The Honorable Timothy Z. Jennings, President Pro Tempore
and Members of the New Mexico State Senate
State Capitol Building
Santa Fe, NM 87501

Dear President Pro Tempore Jennings and Members of the Senate:

Pursuant to the Constitution of the State of New Mexico, Article IV, Section 5(B)(2), I am authorizing for your consideration during the Forty-Ninth Legislature, Second Session, 2010 submission of a bill providing for municipal and county franchise ordinances and right-of-way access fees; amending and enacting sections of the NMSA 1978.

Respectfully yours,

Bill Richardson
Governor

RECEIVED FROM THE OFFICE OF THE GOVERNOR:

Time: _____ a.m./p.m. by: _____
Date: _____ 2010 Chief Clerk of the Senate

.181255.4
✓Fischmann

HBIC/HB 269

AN ACT

RELATING TO UTILITIES; PROVIDING FOR VALIDITY OF EXISTING
FRANCHISE AGREEMENTS BY MUNICIPALITIES AND COUNTIES WITH
PUBLIC UTILITIES IN EFFECT AS OF JANUARY 1, 2010; DECLARING AN
EMERGENCY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of Chapter 5 NMSA 1978 is enacted to read:

"VALIDITY OF CURRENT FRANCHISE AND RIGHT-OF-WAY AGREEMENTS.--

Municipal and county franchise and other agreements with public utilities, as "public utility" is defined by Subsection G of Section 62-3-3 NMSA 1978, providing access to public rights of way that are in effect as of January 1, 2010, are valid and enforceable agreements, including those that provide for a payment of fees by the public utility expressed as a percentage of the public utility's revenues or otherwise and including expired agreements that have continued to be honored by both the public utility and the local government according to their terms, regardless of the expiration date of the agreements, if both the public utility and the local government continue to abide by the terms of the expired agreement."

Section 2. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately. HBIC/HB 269

NMAC BOARD ENDORSEMENTS

- Retain Hold Harmless protections
- Amend Public Employees Retirement Act

**NEW MEXICO ASSOCIATION OF COUNTIES
BOARD OF DIRECTORS**

RESOLUTION 2010-05

Continuity of Hold-Harmless Provision

WHEREAS, the mission of the NMAC Board of Directors is to work as a united governing body, by equally representing the interests of all counties through dedicated elected county officials and career professional employees; and

WHEREAS, starting with fiscal year 2009, the recession has significantly reduced revenues of both the state and local governments; and

WHEREAS, several county budgets and finances are severely strained; and

WHEREAS, State revenue reductions are partly due to shrinking of the gross receipts tax base from allowing deduction of certain retail sales of food and medical services but, at the same time, providently sheltering municipal and county governments through provisions offsetting their revenue losses from the truncated base; and

WHEREAS, County governments are increasingly dependent on gross receipts tax revenues, including the hold-harmless amounts, to provide services to their citizens, particularly hospital and health services; and

WHEREAS, counties carry considerable costs for detention center operations, which would be unsustainable without the hold-harmless payments; and

WHEREAS, the cost to New Mexico counties of removing the full hold-harmless provisions currently in effect is estimated at \$27,000,000, according to the Taxation and Revenue Department;

NOW THEREFORE BE IT RESOLVED, the New Mexico Association of Counties Board of Directors urges the Legislature to keep faith with its county governments by retaining the full hold-harmless provisions contained in Section 7-1-6.47 NMSA 1978 as long as the gross receipts tax deductions in Section 7-9-02 and 7-9-93 NMSA 1978 remain in force.

APPROVED, PASSED AND ADOPTED this 8th day of October 2010 by the New Mexico Association of Counties Board of Directors.

By: _____
Mary Ann Sedillo, President

ATTEST:

By: _____
Paul Gutierrez, Executive Director

SFC CLERK RECORDED 02/10/2011

-Hold Harmless Food and Medical Distributions to Counties in FY09

County	Food Deduction Distributions	Medical Deduction Distributions	Total Distributions
Bernalillo	6,455,451	2,791,644	9,247,095
Catron	3,257	0	3,257
Chaves	579,667	110,860	690,528
Cibola	273,438	38,515	311,953
Colfax	30,793	7,362	38,155
Curry	367,434	115,642	483,076
De Baca	12,220	69	12,289
Dona Ana	985,887	384,650	1,370,537
Eddy	229,687	43,274	272,961
Grant	281,567	62,718	344,285
Guadalupe	53,025	24,471	77,495
Harding	1,302	7	1,309
Hidalgo	27,998	18	28,016
Lea	262,765	14,509	277,274
Lincoln	85,674	9,561	95,235
Los Alamos (1)	1,069,325	497,375	1,566,700
Luna	167,124	27,285	194,409
Mckinley	1,249,123	72,359	1,321,482
Mora	19,678	239	19,917
Otero	278,000	78,291	356,292
Quay	138,248	8,253	146,501
Rio Arriba	301,211	20,407	321,617
Roosevelt	244,467	9,527	253,993
San Juan	1,531,258	423,074	1,954,332
San Miguel	226,193	53,047	279,240
Sandoval	350,893	59,598	410,492
Santa Fe	2,543,045	673,387	3,216,432
Sierra	138,279	7,814	146,093
Socorro	75,327	5,371	80,698
Taos	551,058	69,888	620,946
Torrance	50,362	17,936	68,297
Union	47,455	3,684	51,139
Valencia	494,064	56,792	550,855
County Medicaid (2)	1,186,008	398,647	1,584,655
County Total	20,311,283	6,086,271	26,397,554
ADDENDUM:			
Municipal Total	73,130,289	21,425,283	94,555,573
County + Municipal Total	93,441,572	27,511,555	120,953,127

(1) Los Alamos is also considered a municipality and therefore also receives a hold harmless distribution based on the State Share 1.225% distribution in addition to their imposed local option gross receipts taxes.

(2) These distributions are associated with the County Health Care Gross Receipts Tax. All of the revenue from this county local option is dedicated to the County-Supported Medicaid Fund.

FPC CLERK RECORDED 02/19/2011

**NEW MEXICO ASSOCIATION OF COUNTIES
PROPOSED BOARD OF DIRECTORS
RESOLUTION NUMBER 2**

MODIFY RETURN TO WORK CONTRIBUTIONS AND BENEFITS

WHEREAS, the 2010 legislature amended the Public Employee Retirement Act to change the requirements for persons returning to public employment after retirement; and

WHEREAS, the amendments included the extension of the waiting period to re-employ from 90 days to 1 year; the prohibition of a retired member returning to work during the waiting period as a regular employee or independent contractor; suspension of a retired member's pension when they are re-employed by the public employer; the prohibition of the accrual of service credit and contributions to the retirement fund by the retired member of the public employee, except as provided for in current statute; the allowance of the resumption of pension benefits to the member upon retirement; and, exemption from the pensions noted above, except for the prohibition on accrual or purchase of service credit, for staff of the Legislature, Legislative works, and elected officials; and

WHEREAS, the 2010 amendments passed by the legislature provides that on or after July 1, 2010, the Return to Work elected employee shall pay the employee contribution in the amount specified by the Public employee Retirement Association for that position; and

WHEREAS, the Public Employee Retirement Association has interpreted the law as requiring the existing Return to Work elected employees to pay the amount reference in the prior paragraph from July 1, 2020, until the time that the elected employee runs for re-election at which time the Right To Work employee can opt in or out of the Public Employee Retirement Association retirement system; and

WHEREAS, the present elected return To Work employees pay contributions into the Public Employee Retirement System, but do not receive any consideration or commensurate benefit for paying these contributions; and

WHEREAS, any Return To Work measure that denied the retiree the pension he or she has earned under a governmental plan without providing a commensurate benefit, such as accrual of service credit, may violate the Age Discrimination in Employment Act (ADEA); and

NOW THEREFORE BE IT RESOLVED, that the New Mexico Association of Counties seeks amendments to the Public Employee Retirement Act that would:

- (1) repeal the requirement that retired elected officials, who are in the middle of their terms, pay into the Public Employee Retirement system,
- (2) provide for an exemption for seasonal poll workers; and
- (3) clarify that undersheriffs who have been grandfathered in and who began their term of service prior to July 1, 2010, and who have not left the employ of the county, are deemed to have no break in service.

APPROVED, PASSED AND ADOPTED this 8th day of October 2010 by the New Mexico Association of Counties Board of Directors.

By: _____
Mary Ann Sedillo, President

ATTEST:

By: _____
Paul Gutierrez, Executive Director

**BERNALILLO COUNTY
BOARD OF COUNTY COMMISSIONERS**

ADMINISTRATIVE RESOLUTION NO. AR 2010 -83, as amended

1 **A RESOLUTION ESTABLISHING THE LEGISLATIVE POLICY FOR THE COUNTY**
2 **OF BERNALILLO FOR THE FIFTIETH LEGISLATURE, FIRST SESSION, OF THE**
3 **STATE OF NEW MEXICO.**

- 4 1. Oppose any legislation that a) proposes any revenue reductions, b) adversely affects funding
5 sources or c) diminishes the County's regulatory authority.
- 6 2. Introduce legislation and or amend state laws to enable Bernalillo County to receive 100% of
7 the Misdemeanor Penalty Assessment fee, and to increase the fee by \$10 (ten dollars) to \$20
8 (twenty dollars).
- 9 3. Amend NMSA 33-3-25 Local Government Corrections Fund to enable Bernalillo County to
10 receive 100% of the Corrections Fund distributed by the Administrative Office of the Courts
11 to counties.
- 12 4. Introduce legislative memorials to study strategies on reducing jail populations, and to enable
13 boards of county commissioners to establish policies to manage populations of and funding
14 for county detention facilities.
- 15 5. Amend the general sentencing statute to provide that any inmate convicted of a felony
16 offense shall serve the sentence in a Department of Corrections facility regardless of the
17 length of sentence imposed.
- 18 6. Amend the misdemeanor sentencing statute to provide for a change so that inmates do time at
19 a DOC facility on misdemeanor offenses unless the sentence is 180 days or less. Currently,
20 all sentences less than 365 days are served in jails.
- 21 7. Amend the statutory framework to provide that all inmates are subject to a probations tail
22 regardless of whether they finish out time in a DOC facility or a jail. This will result in a
23 change in philosophy about plea agreements. The preference will be that terms are served in
24 a DOC facility because of the statutory right to good time. It will also change the philosophy
25 of the courts in terms of sentencing.
- 26 8. Change or repeal statute which requires boards of county commissioners to inspect every cell
27 within the county jail.
- 28 9. Introduce a memorial requesting that a study be conducted by DFA including county
29 representatives to review and analyze county revenue streams and local option tax increments
30 to determine if more administrative flexibility and de-earmarking of revenue increments

CONTINUATION PAGE 2, ADMINISTRATIVE RESOLUTION AR 2010-83, as amended LEGISLATIVE POLICY FOR THE COUNTY OF BERNALILLO FOR THE FIFTIETH LEGISLATURE, FIRST SESSION, OF THE STATE OF NEW MEXICO.

- 1 could result in greater efficiency, more stable and predictable revenue generation at the
2 county level.
- 3 10. Amend existing state law to enable counties to establish franchise agreements with utilities.
- 4 11. Amend statute/s regarding municipal liens to allow counties to allow counties the same
5 authority as municipalities.
- 6 12. Amend state statute/s or introduce legislation to allow counties to take uncollectible debts off
7 the books.
- 8 13. Amend applicable sections of the Procurement Code:
- 9 a. Amend NMSA 13-1-125 (A), Small Purchases, to increase the monetary amount of
10 procuring services, construction, or items of tangible personal property from twenty
11 thousand (\$20,000) to fifty thousand (\$50,000) dollars.
- 12 b. Amend NMSA 13-1-125 (B), Small Purchases, to increase the monetary amount of
13 procuring professional services having a value exceeding fifty (\$50,000), excluding
14 applicable state and local gross receipts taxes to one hundred thousand dollars
15 (\$100,000), except for the services of landscape architects or surveyors for state public
16 work projects or local public works projects.
- 17 c. Amend NMSA 13-1-125 (C), Small Purchases, to increase the monetary amount of
18 procuring services, construction or items of tangible personal property having a value not
19 exceeding ten thousand (\$10,000) to fifteen thousand dollars (\$15,000) by issuing a direct
20 purchase order to a contractor based upon the best obtainable price.
- 21 d. Amend NMSA 13-1-104 (B), Competitive Sealed Bids; Public Notice, increasing the
22 limits for expenditures from twenty thousand dollars (\$20,000) to fifty thousand dollars
23 (\$50,000) to be consistent with the proposed changes to NMSA 13-1-125(a).
- 24 e. Amend NMSA 13-1-66.1, Definition; local public works projects, increasing the limits
25 for services requiring professional services costing fifty thousand dollars (\$50,000) or
26 more to one hundred thousand dollars \$100,000 and landscape architectural or surveying
27 services requiring professional services costing ten thousand (\$10,000) or more to twenty
28 thousand dollars (\$20,000) or more, excluding applicable state and local receipts taxes to
29 be consistent with the proposed changes to NMSA 13-1-125(b).
- 30 f. Amend NMSA 13-1-91, Definition; state public works project, increasing the limits for
31 services requiring professional services costing fifty thousand dollars (\$50,000) or more

CONTINUATION PAGE 3, ADMINISTRATIVE RESOLUTION AR 2010-83, as amended LEGISLATIVE POLICY FOR THE COUNTY OF BERNALILLO FOR THE FIFTIETH LEGISLATURE, FIRST SESSION, OF THE STATE OF NEW MEXICO.

1 to one hundred thousand dollars (\$100,000) and landscape architectural or surveying
2 services requiring professional services costing ten thousand (\$10,000) or more to twenty
3 thousand dollars (\$20,000) or more, excluding applicable state and local receipts taxes to
4 be consistent with the proposed changes to NMSA 13-1-125(b).

5 g. Amend NMSA 13-1-154.1 (A), Multiple source contracts; architectural and design
6 service contracts; indefinite quantity construction contracts, to include local public bodies
7 and to increase the contract limits and all renewals for architectural or engineering
8 services from two hundred thousand dollars (\$200,000) over four years to five hundred
9 thousand dollars (\$500,000) over four years.

10 h. Amend NMSA 13-1-154.1 (B), Multiple source contracts; architectural and design
11 service contracts; indefinite quantity construction contracts, to include local public bodies
12 and to increase the contract limits and all renewals for indefinite quantity construction
13 contracts pursuant to a price agreement from two million dollars (\$2,000,000) over four
14 years to four million dollars (\$4,000,000) over four years.

15 i. Amend NMSA 13-1-154.1 (C1), Multiple source contracts; architectural and design
16 service contracts; indefinite quantity construction contracts, to include an option of
17 soliciting a request for bids.

18 j. Amend NMSA 13-1-154.1 (4a), Multiple source contracts; architectural and design
19 service contracts; indefinite quantity construction contracts, increase (a) from two
20 hundred thousand dollars (\$200,000) to five hundred thousand dollars (\$500,000), for
21 architectural or engineering design services to consistent with the proposed changes to
22 NMSA 13-1-154.1 (A).

23 k. Amend NMSA 13-1-154.1(4b), Multiple source contracts; architectural and design
24 service contracts; indefinite quantity construction contracts, increase (a) from two million
25 dollars (\$2,000,000) to four million (\$4,000,000), for construction services to be
26 consistent with the proposed chances to NMSA 13-1-154.1(B).

27 l. Amend NMSA 13-1-155 (A) and (B), Procurement of used items; appraisal required;
28 county road equipment exception for auctions, increase the estimated cost of which
29 exceeds five thousand dollars (\$5,000) to fifty thousand dollars (\$50,000).

CONTINUATION PAGE 4, ADMINISTRATIVE RESOLUTION AR 2010-83, as amended LEGISLATIVE POLICY FOR THE COUNTY OF BERNALILLO FOR THE FIFTIETH LEGISLATURE, FIRST SESSION, OF THE STATE OF NEW MEXICO.

- 1 m. Amend NMSA 13-1-156 (A), Trade or exchange of used items; appraisal required,
2 increase the estimated value of which exceeds five thousand dollars (\$5,000) to fifty
3 thousand dollars (\$50,000).
- 4 n. Amend NMSA 13-6-1 (A) (1), Disposition of obsolete, worn-out or unusable tangible
5 personal property, increase current resale value of five thousand dollars (\$5,000) or
6 less to fifty thousand dollars (\$50,000).
- 7 o. Amend NMSA 13-6-2 (D), Sale of property by state agencies or local public bodies;
8 authority to sell or dispose of property; approval of appropriate approval authority,
9 increase current resale value of more than five thousand dollars (\$5,000) to fifty
10 thousand dollars (\$50,000).
- 11 14. Pursue longevity property tax credit, or "Homestead Provision", to provide property tax relief
12 and prevent economic displacement for property owners who have owned their homes for
13 fifteen (15) or more years. Qualifying homeowners would be entitled to a tax credit of 5%
14 per year up to five (5) years, with a maximum credit of 25%.
- 15 15. Introduce legislation to revise statutes governing the administration, imposition and
16 collection of property taxes on manufactured homes to promote greater reporting compliance,
17 collections and administration and equity in the system.
- 18 16. Pursue a legislative memorial for Class A Counties to have an appointed Special Judge or
19 Special Master to hear only code enforcement cases thus expediting corrective actions and
20 separating these cases from the existing Metropolitan Court caseload and granting the Board
21 of County Commissioners authority to adopt ordinances providing citation authority to code
22 enforcement officers.
- 23 17. Amend statute/s regarding liquor establishment distance requirements, making them more
24 restrictive.
- 25 18. Introduce legislation allowing municipalities and counties to issue their own vehicle
26 government license plates.
- 27 19. Amend 14-11-10.2 to allow electronic posting of legal notices as an acceptable alternate to
28 non-electronic notices.
- 29 20. Amend state statute to allow taxpayers the option to receive tax bill notification by traditional
30 mail or electronic transmission.
- 31

CONTINUATION PAGE 5, ADMINISTRATIVE RESOLUTION AR 2010-83, as amended LEGISLATIVE POLICY FOR THE COUNTY OF BERNALILLO FOR THE FIFTIETH LEGISLATURE, FIRST SESSION, OF THE STATE OF NEW MEXICO.

1 21. Support legislation to provide for an exemption from the state procurement code for class A
2 counties with a population of more than five hundred thousand; providing however, that the
3 county shall either adopt a procurement code materially similar to that of a home-rule
4 municipality in that county or develop a new procurement code that shall be submitted to the
5 Local Government Division of the New Mexico Department of Finance and Administration
6 for review and approval then codified by county ordinance.

7

8 **NOW THEREFORE BE IT RESOLVED**, by the Board of County Commissioners, the
9 governing body of the County of Bernalillo that the legislative program described herein for the
10 Fiftieth Legislature, First Session, of the State of New Mexico is hereby approved and adopted.
11 **DONE** this 26th day of October, 2010.


12

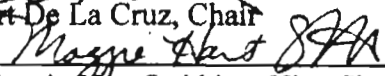
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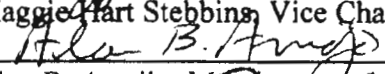
CONTINUATION PAGE 5, ADMINISTRATIVE RESOLUTION AR 2010- 83
LEGISLATIVE POLICY FOR THE COUNTY OF BERNALILLO FOR THE FIFTIETH
LEGISLATURE, FIRST SESSION, OF THE STATE OF NEW MEXICO. AS AMENDED.

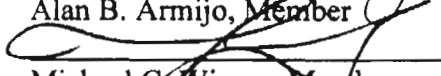
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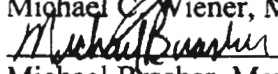
BOARD OF COUNTY COMMISSIONERS




Art De La Cruz, Chair


Maggie Hart Stebbins, Vice Chair


Alan B. Armijo, Member


Michael C. Wiener, Member


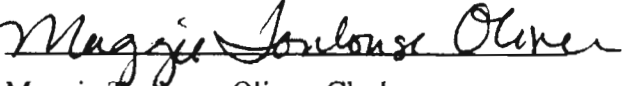
Michael Brasher, Member



Legal Department

Date: 10/15/10

ATTEST:



Maggie Toufouse Oliver, Clerk

Date: 10/26/10



SFC CLERK RECORDED 02/16/2011

NEW MEXICO MUNICIPAL LEAGUE 2010-2011 LEGISLATIVE ACTION STATEMENT

The Board of Directors adopted their legislative priorities for the upcoming 2011 Legislative Session at the October 2, 2010 meeting. They approved a number of policies and resolutions outlining proposed legislation for the League's Action Program.

In recognition of the downturn in the economy and its effect on state and local finances the Board focused attention on the protection of municipal revenues. The Board also rejected as a priority any resolution asking for new or increased funding for any program funded by state revenues. In addition, they highlighted the issue of preemption of local authority.

PROTECTION OF MUNICIPAL REVENUES. Any restructuring of available revenue sources by the state or federal government should not result in the loss of actual revenue to any municipality (***Sections 3.2.01 and 3.2.02 – Policy Statement***). At present, several state-levied taxes are shared with municipalities. Any change made in rates of state shared taxes must maintain or improve upon present distribution ratios. Any changes in the base for taxes should not reduce present or future revenues (***Section 3.2.05 – Policy Statement***). The state should not take any action to impair municipal bonds (***Section 3.4.03 – Policy Statement***).

PREEMPTION OF TAXING AUTHORITY. At both the state and federal level attempts are being made to preempt local government authority to tax certain transactions. Preemption of local taxing authority deprives local governments of the ability to raise revenue to provide service to their constituents. The League opposes federal and state legislation that preempts local taxing authority (***Section 3.2.12 – Policy Statement***).

GENERAL OPERATIONS. The Board of Directors adopted the following priorities regarding municipal government operations:

- ① **Return to Work** – seek legislation addressing the exemption for law enforcement, water and wastewater operators and correctional facility retirees from the current Return to Work provisions in state law (***Resolution 44***).
- ② **911 Surcharge** – support legislation to amend the 911 Surcharge statute to ensure that certain pre-paid telephone users and other technologies collect the 911 surcharge (***Resolution 43***).
- ③ **Municipal Organizational Meetings** – seek legislation clarifying the Mayor's authority to appoint officers and employees at the Organizational Meeting (***Resolution 4***).
- ④ **Municipal Building Inspections** – support regulation or legislation that would allow municipalities to share code compliance resources between local governments and to establish criteria for residential and commercial combination inspections (***Resolution 2***).
- ⑤ **Airport – "Public Way" Definition** – support regulation or legislation to exempt internal airport properties from the definition of "public way" (***Resolution 5***).
- ⑥ **Emergency Regional Communications & Emergency Medical Services** – seek legislation amending the county emergency communications and emergency medical and communication service tax to apply only in the county area where distribution and sharing agreements are not in place (***Resolution 45***).

Santa Fe County
**Infrastructure Capital
Improvement Plan**



2012 - 2016

SANTA FE COUNTY

Resolution No. 2010-161

**A RESOLUTION AUTHORIZING AND SUPPORTING AN INFRASTRUCTURE
CAPITAL IMPROVEMENTS PLAN FOR
SANTA FE COUNTY**

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

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

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

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

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

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

BE IT FURTHER RESOLVED that the Board of County Commissioners ranks Projects No. 1, 2, 3, 4 and 5 as the priority ranking for the FY 2012-2016 ICIP.

APPROVED, ADOPTED AND PASSED this 14th day of September, 2010.

BOARD OF COUNTY COMMISSION

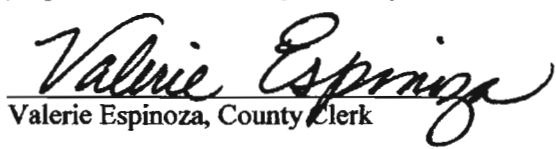


Harry B. Montoya, Chairperson

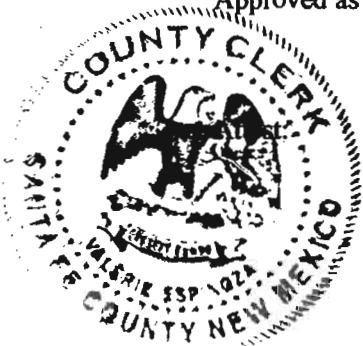
Approved as to form:



Stephen C. Ross, County Attorney



Valerie Espinoza, County Clerk



SFC CLERK RECORDED 02/16/2011

Infrastructure Capital Improvement Plan FY 2012-2016

Santa Fe County Project Summary

Rank	Project Title	Top 5 Rank	Category	Funding Sources	2012	2013	2014	2015	2016	Total	
2012-1	Santa Fe County- Fire Equipment County Wide	1	Fire	Fire	3,000,000	0	0	0	0	3,000,000	
2012-2	RECC Facility Expansion & Equipment	2	RECC	Adm/Service Facilities (local)	LGRANT LBONDS	2,750,000	0	0	0	2,750,000	
2012-3	Santa Fe County Public Works Equipment	3		Other		3,500,000	0	0	0	3,500,000	
2012-4	SF County Corrections Facilities Improvements	4	CORR	Adm/Service Facilities (local)	LGRANT LFUNDS LBONDS	4,800,000	3,500,000	3,500,000	2,500,000	2,240,000	16,540,000
2012-5	SF County Public Housing Sites Upgrades	5	HSG	Housing-Related Cap Infra	LGRANT	1,500,000	0	0	0	0	1,500,000
2012-6	Agua Fria Community Park		CSD	Public Parks (local)	LGRANT	600,000	400,000	0	0	0	1,000,000
2012-6	Glorieta Area Tank Upgrade		MDWCA	Water Supply	LGRANT LBONDS	200,000	0	0	0	0	200,000
2012-6	Eldorado Water and Sanitation District Upgrades			Wastewater		300,000	0	0	0	0	300,000
2012-6	Stanley Fire Station Improvements & Equipment			Fire		250,000	0	0	0	0	250,000
2012-6	Pojoaque Valley Regional Wastewater System			Wastewater		1,500,000	0	0	0	0	1,500,000
2012-A1	Acequia de Baranco Blanco		Acequias	Acequias		50,000	0	0	0	0	50,000

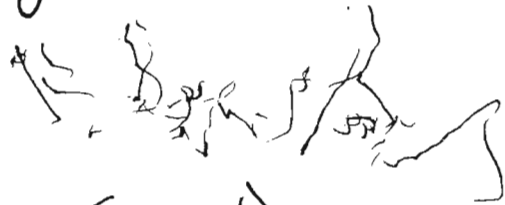
- Broadband Infrastructure improvements for Santa Fe County, beyond Northern NM investment currently, to enhance public safety, law enforcement, economic development, telemedicine needs and requirements. Partnership with City and State will be necessary to develop metro core backbone to interconnect northern NM with Albuquerque and beyond. \$5- \$6 million investment
- Renewable Energy Financing (Property Assessed Clean Energy) program—a) legislative actions to address FHFA concerns re: financing structure; and b) federal financing issues related to QECBs—private use applicable, CREBs (Clean Renewable Energy Bonds—public facilities, Private Activity Bonds, etc. to improve opportunities for green economy and address climate change issues.
- Edgewood Station –The Southern Region Headquarters, Edgewood Fire Station project estimated at \$4.2 million is approximately 15,500 sq. ft. We do have a request in at Senator’s Udall Office for potential funding an appropriation request for \$3.5 million. Also for a Ladder Truck for the Pojoaque Fire Station, \$750,000.00, which serves the Tribal Enterprises for Pojoaque, Tesuque and soon Nambe.
- The environmental cleanup in downtown Santa Fe for the new courthouse. So far the County has spent over \$5 million. Santa Fe County would like to explore the opportunity to recoup some of this funding from the Federal government. We also have not received any funding from the State Department of Environment for the cleanup.

To Whom it may Concern

My name is Doctor Robert Sacks. I moved to Timberwick some 40 years ago. I met Midge Leisher and knew her well. She prized the property in question greatly. She looked hard and long for a buyer she could trust and finally chose Mr. Turner.

I am very glad she did; he's been a fine neighbor.

Given the times, I would encourage the county to accept Mr. Turner's suggested proposal since we would all hate to lose him as a fine neighbor.



(signed)

Dr. Robert Sacks

11-17-10

2010 12:04PM SUNLIT HILLS WATER
PO BOX 5114
SANTA FE, NM 87502

SUNLIT HILLS WATER SYTEM

Phone: 505-820-2545

October 7, 2010

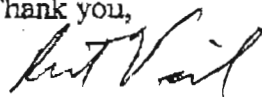
Karen and Robert Turner
32 Timberwick Rd.
Santa Fe, NM 87508

This communication is to re-confirm the letter dated July 18, 1991 from Sunlit Hills of Santa Fe, Inc. to Mr. Robert Turner, in that the Sunlit Hills Water System currently allows for two water connections to the lands comprised of Tract 11 of the Timberwick Subdivision and Tract F of the Leisher Subdivision, the first of which was established in 1968 and was installed shortly thereafter at 32 Timberwick Rd. The second granted connection has not yet been installed. When physical installation of the second connection is ready to commence, a connection fee at the rate assigned by the Public Regulation Commission to Sunlit Hills of Santa Fe, Inc. will be assessed, plus applicable taxes.

If this second connection is made along Timberwick Road, no other costs will be assessed other than the connection fee as stated above. We currently do not have adequate accessible facilities along Nine Mile Road due to our main line being on the opposite side of the road, and the added complication of the asphalt, utility, and traffic concerns in making a connection there. If the second meter is necessary on Nine Mile Road for the homeowners concerns, it can be installed there provided the homeowner pays for or provides the additional labor, materials, and permits for an asphalt crossing on the County Road necessary to address those problems, in addition to the regular connection fees.

If you have any questions regarding these connections, please contact us at the above phone number.

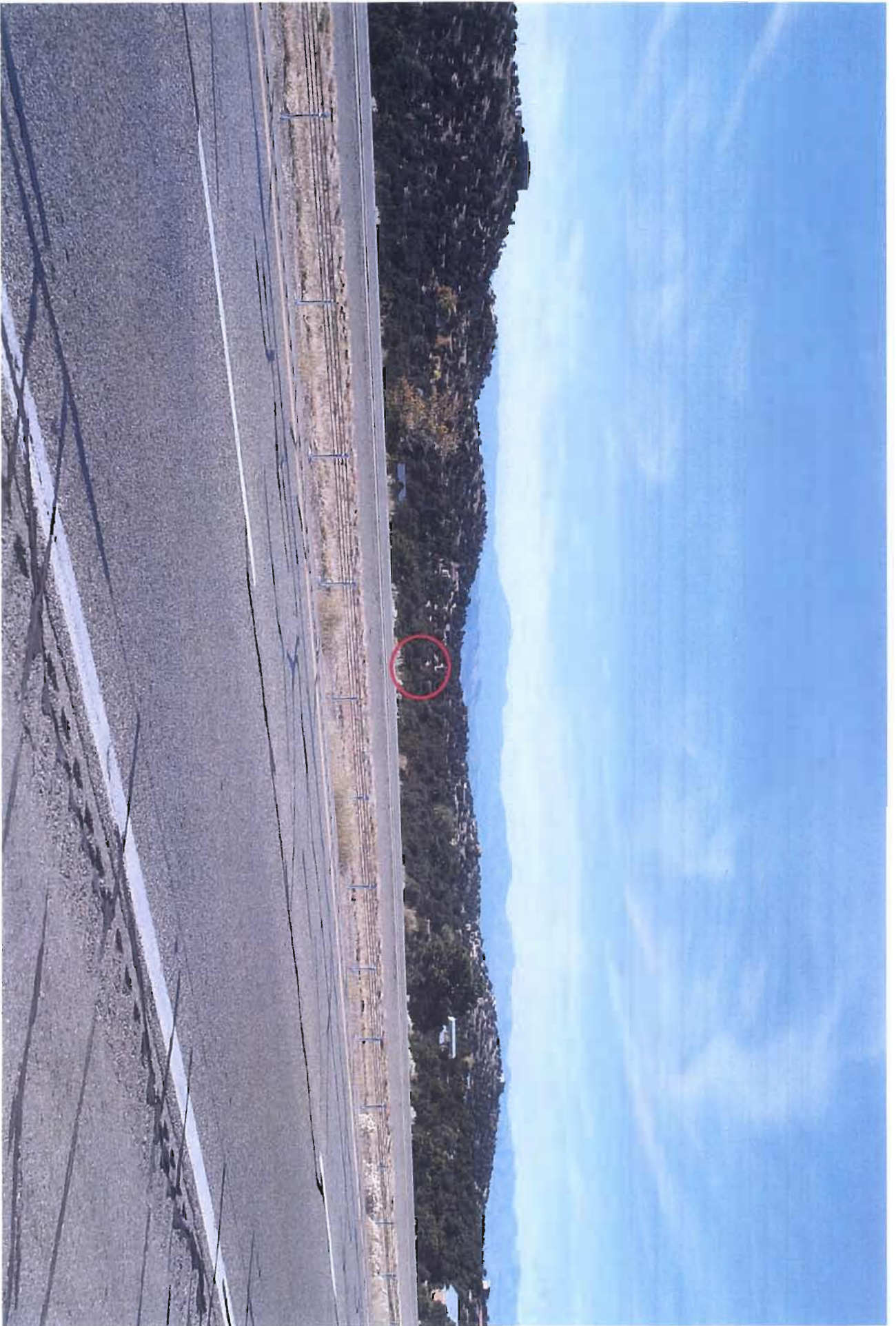
Thank you,


Robert Vail
President
Sunlit Hills of Santa Fe, Inc.

SFC CLERK RECORDED 02/18/2011



LOOKING WEST FROM 9 MILE ROAD TO BUILDABLE AREA SHOWING 15 FOOT HEIGHT



LOOKING WEST FROM I-25 TO THE PROPOSED LOT

To Whom it may Concern,

I am forced to sell my home by family circumstance and decree.

I have lived here for over twenty-two years and love this land and do not want to lose everything. We moved to this home from our farm, and after decades of work in archaeology for the state, hoped to retire on a good-sized piece of country that is valued for its beauty, neighbors and continual use since prehistoric times. I want very much to use my unusual property case if it is possible to save a part of Timberwick for me to give to my son who grew up here. I tried to give Joseph a family-division property, but am consistently advised by the county that this is not allowed in the Intermountain Zone for less than twenty acres. Thus I am forced to ask for a lot-split variance with the county.

This is a unique situation, that would not in any way affect Timberwick; neither in road nor in view nor in water nor in arroyo, nor in average lot size nor in setting a precedent. Nine Mile Road would only experience a driveway and a possible mild home presence.

Unusually, we have owned a second water tap for the property since 1988, based on a well water right, which allows water to another lot without impinging on the completed Sunlit Hills water tap plan. We have 9.1 acres, which would create a five-acre lot and a 4.1 acre lot (which is the average size of the neighborhood lots in the vicinity). These circumstances are unique and cannot be replicated by anyone else, so the neighborhood is not facing a precedent.

If anyone were to build, it would be in the trees near Nine Mile Road, with a driveway off that road.

Our plans would limit the buildable area to a specific zone and height and provide pinon/juniper screening so any eventual home is not invasive of view either to the arroyo or to Nine Mile Road.

It is my serious hope that this plan can go forward and benefit our desire to keep a long connection alive.

Yours sincerely,



Rob Turner
32 Timberwick
670 6514

1-11-11



5. Amphitheater Outdoor events: noise mitigation shall be in place at all times; a traffic control plan shall be in place; the Applicant shall inform the County Fire Marshal and County Sheriff's Department two (2) weeks prior to any outdoor activities taking place; an off-site parking plan shall be submitted to the County Fire Marshal and County Sheriff's Department; off site ^{permanent} signage advertising an event shall not be permitted; outdoor music events shall end no later than 7:00 PM; all temporary stages, tents, canopy, tables, chairs, etc, used for outdoor events, shall be removed from the site within twenty four (24) hours of the conclusion of outdoor event. The above mentioned conditions shall be placed on the Final Development Plan and recorded.

Board of County Commissioners
Santa Fe County
Santa Fe, New Mexico

With respect we request the following

Point 1 - Compliance with the Ordinance;

-is taken as a given

Point 2 - Self-monitoring with regular readings;

we request stipulation as to the frequency of the sound monitoring and that the monitoring be conducted by a person or persons duly qualified and trained to do so, using an approved instrument, as per the requirements of the County Noise Ordinance.

Point 3 – Mine Shaft contact person regarding noise;

we request that the Mine Shaft contact person be required to be responsive to and address noise complaints and maintain a written log of such complaints

Point 4 – Owner will make every attempt to keep doors and windows closed when music is played

Owner has agreed to a change in language to " Owner will keep the windows and doors closed in the tavern when music is played, unless there are mechanical errors."

We request " **mechanical errors** " be changed to

" **mechanical malfunctions of the air conditioning system** "

[as per CDRC. member De Anda's sentiments]

Point 5 - The outdoor deck will have appropriate sound buffering with the speakers positioned to the back of the building rather than the roadway;

We request change to

"**The outdoor deck will have appropriate sound buffering with the amplifier positioned facing the back of the building rather than the roadway** "

" **the owner will position the amplifier in the correct location** " as referenced in Mr Larranaga's Memorandum does not address the issue of facing the amplifier to the East.

Point 6 - Limit hours of operation and develop schedule for deck use.

We request Owners stipulate the hours of operation and the proposed schedule for deck use and communicate same to the community at large.

Thank you

Gavin F Strathdee

9

1/11/11

Board of County Commissioners
Santa Fe County
Santa Fe, New Mexico

Members of the Commission

I WISH TO REFER TO :

Minutes of the Santa Fe County Development Review Committee
November 18, 2010
Pg.13 Para 2

QUOTE

" Mr Hoefft, said a noise consultant was hired and a meeting at Joseph Karnes' office was held to discuss noise mitigation.

Noise has been a major point of contention with the area residents and Mr Hoefft said six points were developed:

Compliance with the Ordinance;

Self-monitoring with regular readings;

Mine Shaft contact person regarding noise;

Owner will make every attempt to keep doors and windows closed when music is played

The outdoor deck will have appropriate sound buffering with the speakers positioned to the back of the building rather than the roadway;

Limit hours of operation and develop schedule for deck use.

The program proposed for the amphitheater will be defined.
Each Amphitheatre event will require a special use permit from the County Land Use. "

SFC CLERK RECORDED 02/18/2011

JANUARY 11, 2011

GERALD M. WAWIREK

2841 HWY 14

MADRID, NM 87010

TO: SANTA FE COUNTY BOARD OF COUNTY COMMISSIONERS,

THANK YOU FOR THE OPPORTUNITY TO SPEAK THIS EVENING. I HAVE BEEN A RESIDENT OF MADRID NM SINCE SEPT. 1975.

THE SANTA FE CO. B.C.C. IS BEING ASKED TO GRANT FINAL APPROVAL FOR MINESHAFT TAVERN MASTER PLAN FOR COMMERCIAL ZONING AND FINAL DEVELOPMENT PLAN, PHASE I. ALTHOUGH SOME OF THE LANGUAGE OF NOISE MITIGATION STRATEGY HAS BEEN TIGHTENED UP (SEE PARA. 4 MASTER PLAN PG. 4), OTHER PROBLEMS HAVE NOT BEEN ADDRESSED. IN NOISE MITIGATION STRATEGY (SEE PARA. 5 MASTER PLAN PG. 5) "OUTDOOR DECK" SOUND BAFFLING/SOLID BARRIER WILL BE UTILIZED BEHIND SPEAKERS (I.E. BETWEEN SPEAKERS AND HWY 14). WHAT CURRENTLY EXISTS IS A SOFT SHELL TENT CANOPY WITH SIDES. THE SIDES WILL MOST CERTAINLY BE REMOVED IN WARM WEATHER, LEAVING NO SOUND BAFFLING. UNLESS APPLICANT IS DIRECTED TO INSTALL FIXED PERMANENT BAFFLING BEFORE APPROVAL IS GRANTED, I ASSURE YOU THAT NO IMPROVEMENTS WILL BE MADE. AT THE NOV. 18, 2010 CDRC MEETING, I PRESENTED PICTURES OF AN EXCAVATED AREA AROUND THE SEPTIC TANK AND LEACH FIELD (AS A RESULT OF AN OVERFLOW), SHOWING A DOWNHILL SLOPE TO A LARGE STORM DRAIN WHICH EMPTIES INTO THE MADRID ARROYO JUST NORTH OF THE CONCRETE BOX BRIDGE (HWY 14).

THE ARROYO IS PART OF THE SANTA FE COUNTY OPEN SPACE GREENBELT. HAS ANYONE THOUGHT TO ASK E.I.D. OR HEALTH DEPT. TO REQUIRE BACTERIOLOGIC TESTING TO INSURE THERE IS NO CONTAMINATION AT THE PIPE'S EXIT INTO THE ARROYO. THE SEPTIC TANK FOR THE TAVERN IS 1800 GALLONS (THE 1000 GALLON TANK IS FOR THE PRIVATE RESIDENCE BEHIND THE TAVERN) AND THE LEACH FIELD HAS BEEN SATURATED WITH YEARS OF USAGE AND TRAFFIC POUNDING ABOVE (IT'S IN THE FRONT PARKING LOT) THE MASTER PLAN SUBMITTAL STATES THE TAVERN'S WATER CONSUMPTION AVERAGES 30,000 GALLONS PER MONTH (MORE IN SUMMER, LESS IN WINTER). IT SHOULD BE OBVIOUS THIS SEPTIC TANK SHOULD BE PUMPED MORE OFTEN THAN QUARTERLY (AS IT IS CURRENTLY). AT MINIMUM, IT SHOULD BE PUMPED MONTHLY AND PERHAPS MORE OFTEN IN SUMMER MONTHS OR AFTER EVENTS.

AS THIS IS A REQUEST FOR APPROVAL FOR ONLY PHASE I, WHAT CAN WE EXPECT FOR PHASES II & III? WILL LAND USE ADMIN. REPEAT ITS PRACTICE OF IGNORING ILLEGAL CONSTRUCTION, ONLY TO APPROVE IT RETROACTIVELY WITH NO SIGNIFICANT PENALTY. THE LAND USE ADMINISTRATOR CONSCIENTIOUSLY STONEWALLED OR DISMISSED MANY COMPLAINTS FROM NEIGHBORS CONCERNING THE SIZE AND NOISE LEVELS OF EVENTS HE HAD PERMITTED AND THE ILLEGAL EXPANSION OF UNPERMITTED VENUES AND EVENTS IN 2008 & 2009.

IT WAS ONLY WHEN A DETAILED LETTER WITH ACCOMPANYING PHOTOS WAS SENT TO ALL B.C.C. COMMISSIONERS, SFCO. MANAGER, AND REP. RHONDA KING DID MR. KOLKMEYER ORDER MINESHAFT TAVERN TO CEASE UNPERMITTED OPERATIONS (AUGUST 19, 2009) UNTIL A MASTER PLAN WAS SUBMITTED. AT THE OCTOBER 15, 2009, CDRC MEETING, THE ORDER REQUIRING THE MASTER PLAN WAS UPHELD, BUT WITH THE HELP OF A CONVOLUTED LEGAL RUINE THE EVENTS ON THE DECK

AT THE OLD WEST SALOON WERE ALLOWED TO CONTINUE, SOMEHOW
HAVING BEEN GRANDFATHERED IN. ON SATURDAY OCTOBER 17, 2009
A "VICTORY" PARTY WAS HELD AT THE OLD WEST DECK WITH
MR KOLKMEYER IN ATTENDANCE, AS WAS REPORTED IN THE
DEC 2009 ISSUE OF THE MADRID MULE. PERHAPS A CHANGE IN
LEADERSHIP IS OVERDUE AT LAND USE.

Gerold M. Newell

water, uses portable toilets, and has no plumbing. It therefore can and does not increase water use; nor is there any additional parking. Furthermore, it was reiterated, "intensity" (by now clearly a key term in the legal code) was not increased by changing the use of an existing place of business to another which closes at 6 pm.

Then the Land Use Department wrapped up their position. Madrid was encouraged to engage in community problem solving. Madrid claims to value peace, said Mr. Kolkemeyer, which cannot be found through antagonism. The community should decide these issues. Two mechanisms, the Community Planning Organization [CPO; see related article -ed] and the Master Plan process, are available for this. Let's solve the issue of the new porch being built without a permit. Then, you can do whatever you want with legal, public processes.

In this, he echoed first community witness Steve Shepherd, who said, "This is a family matter, not worthy of the County's time and effort." It should be resolved between neighbors communicating respectfully with one another.

At one point, Jack pleaded with apparent exasperation, "I'm not the enemy; I love Madrid. My bands have played there. I've got a book of rules I have to follow; help me!" Then he paused, took a breath, and said more quietly and with a smile, "You made me get emotional. Thank you."

Finally, the time for the CDRC discussion and ruling was reached. "We're not here to shut anybody down." However, code regulations must be observed: Does the expansion or extension increase the "intensity of business"? Can it be built to

code? Is it compatible with current use of the land?

APPEAL IS DENIED. A Master Plan must be filed in six months to cover all future changes in structure and activities.

Meanwhile, however, "what is there now will be grandfathered in."

Case closed...

At this point, however, there was some confusion among members of the CDRC, Land Use Department, tavern owners, and Madrid contingent as to exactly what this meant. Details were further discussed and clarified. Yes, the saloon porch itself receives after-the-fact approval. Yes, activities there may continue as they have been until a Master Plan is approved. Yes, other events will be allowable through Special Use Permits.

Finally, a member of the CDRC, to make it crystal clear (and presumably clear the court for waiting cases), addressed the Madrid crowd directly: "Here's what it means: Go home. Make music. Eat. Drink beer. Have fun!"

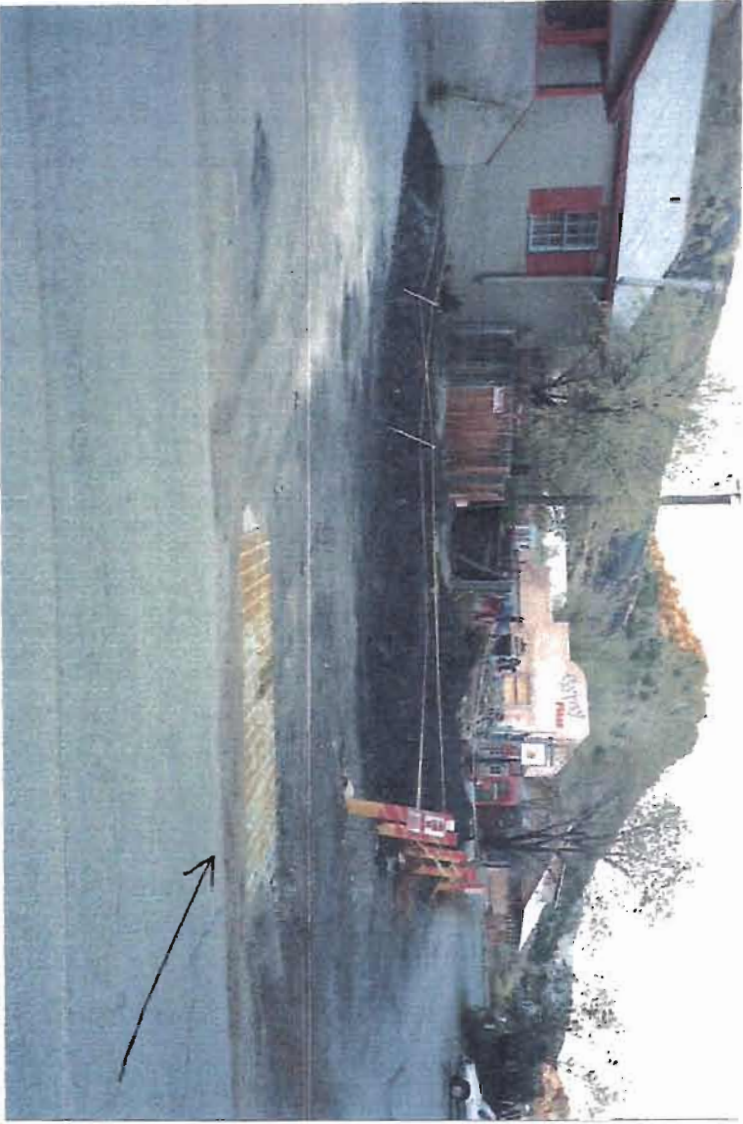
And so they did. A cheer went up, and about half the courtroom's occupants poured out into the hallway, where a Madroid pizza party ensued, complete with Molly the dog. One of the CDRC members enjoyed a slice during break, and a festive air prevailed. Arrangements were also made on the spot with members of The Family Coal for the band to play a Saturday afternoon concert on the saloon porch two days later. A good time was reportedly had by all at that celebration concert, including visitor Jack Kolkemeyer.

Story by Terry Ryder

CDRC to Madroids:

"Go home. Make music.

Eat. Drink beer. Have fun!"



Stream Drain



↑ Looking Down From
Aspic Bank

OUTLET OF
Stream Drain
To MANDANIA APARTO
(SIFCO PRE-ABENT)

Nov 11, 2010

Nov 2010





Nov 11, 2010

BLOCKAGE
OF ACCESS
TO MADRID
FIRE STATION



water; uses portable toilets, and has no plumbing. It therefore can and does not increase water use; nor is there any additional parking. Furthermore, it was reiterated, "intensity" (by now clearly a key term in the legal code) was not increased by changing the use of an existing place of business to another which closes at 6 pm.

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CDRC to Madroids:
*"Go home. Make music.
Eat. Drink beer. Have fun!"*

Story by Terry Ryder

5

SFC CLERK RECORDED 02/10/2011