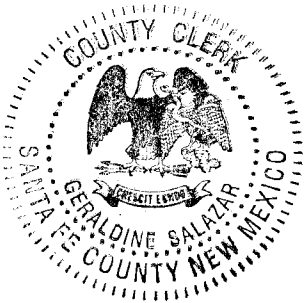


SANTA FE COUNTY
BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING

January 14, 2014

Danny Mayfield, Chair - District 1
Robert Anaya, Vice Chair - District 3
Miguel Chavez - District 2
Kathy Holian - District 4
Liz Stefanics - District 5



COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

BCC MINUTES
PAGES: 75

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SANTA FE COUNTY RECORDS DEPARTMENT 02/12/2014

SANTA FE COUNTY

REGULAR MEETING

BOARD OF COUNTY COMMISSIONERS

January 14, 2014

1. Opening Business
a. Call to Order

This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 2:10 p.m. by Chair Danny Mayfield in the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

b. Roll Call

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

Members Present:

Commissioner Danny Mayfield, Chair
Commissioner Robert Anaya, Vice Chair
Commissioner, Kathy Holian
Commissioner Miguel Chavez
Commissioner Liz Stefanics

Members Excused:

[None]

c. Pledge of Allegiance

The Pledge of Allegiance was led by Gene Portillo of the Code Enforcement Department.

d. State Pledge

The State Pledge was led by Rick Lovato of Code Enforcement.

e. Moment of Reflection

The Moment of Reflection was led by Eloy Griego of the Code Enforcement Department. There was a moment of silence in honor of the father of Councilor Patti Bushee and Bud Hagerman.

2014 JAN 14 PM 2:12
CLERK RECORDED 02/12/2014
CLERK RECORDED 02/12/2014

1. f. Approval of Agenda

KATHERINE MILLER (County Manager): Mr. Chair, Commissioners, I did want to mention that our Code Enforcement now officially have uniforms, badges, the whole works. I think they look really sharp and as the chairman said it's long overdue that they've had some official uniforms for doing their law enforcement duties. So we've been working on quite a few things in getting them up to speed with the level of position that they have.

CHAIR MAYFIELD: Thank you, Manager Miller for all your work in having that happen for us. Also, I'd just like to recognize Ms. Penny Ellis-Green. She had a great deal to do with this in helping our Code Enforcement be able to succeed. Mr. Wayne Dalton, Ms. Vicki Lucero and that whole department, so thank you all so much.

MS. MILLER: Thank you. And on our agenda today we have an amended agenda, slightly amended. We have one item under Matters from the County Attorney that has been added to executive session, that is item 6.a.3, Notice to show cause, and then under the Public Hearings, item 7. a. i and ii, those two land use cases have been tabled. Those are the only amendments to the agenda from when it was published on Tuesday.

COMMISSIONER CHAVEZ: Mr. Chair.

CHAIR MAYFIELD: Commissioner Chavez.

COMMISSIONER CHAVEZ: Yes, I have a question if I could, County Manager, on these land use cases that are table. Is there any ruling on how many times that they can be tabled successively?

MS. MILLER: Mr. Chair, Commissioner, yes. I do believe that the first land use case, the Robert and Bernadette Anaya case, that was requested to be tabled by the applicant and that will be the last time under the current noticing and they'll have to go through noticing again. Is that correct, Steve?

COMMISSIONER CHAVEZ: Does it matter who tables? Is it the same rule if the applicant or if we would table for any reason?

MS. MILLER: Mr. Chair, Commissioner Chavez, I think it's a combination of the third time that it's tabled. Correct, Steve? Whether it's the applicant or the County. Then it requires renoticing.

COMMISSIONER CHAVEZ: Got it. Okay. Thank you, Mr. Chair.

CHAIR MAYFIELD: Yes, Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair and Mr. Ross or Ms. Miller, this was a case that I voted on a compromise associated with the case and it's my understanding there are some changes associated with what that vote was. So I do not – I actually want us to hear this case, so I'm confused. I don't want it to go away. I still want us to hear it. So does this mean that at the next meeting we have to hear it and we can't table it anymore? Is that what this means? Because I don't want to start the whole thing over. I think we just need to hear it based on the request because as I recall we as a Commission have asked for it to be tabled as well as the applicant has asked for it. It's both. So one of you is nodding; the other is shaking no.

MS. MILLER: Mr. Chair, Commissioner Anaya, the first – so this is a case that you did hear. You put conditions on it on the approval and they came back the first time requesting that those conditions be removed and that was what brought it back to you. That was three meetings ago. I believe the first tabling was at the staff's request and then this one and the previous one were at the applicant's request in trying to work out some of those conditions. So what it means, and correct me if I'm wrong, Steve. We kind of went round and round on this. On this particular instance, this is the third tabling under this specific notice. It would just need to renote again to come back. It won't start all over; it will be a renote of a hearing that they're going to come back, if they decide to come back and still ask you to reconsider those conditions.

COMMISSIONER ANAYA: And Mr. Chair, and members of the public, the reason I say this is because this was a difficult land use case. We actually heard this land use case I think even prior to your becoming a condition. We heard it prior to Commissioner Chavez becoming a Commissioner and I, along with other Commissioners had very specific concerns on both sides of the issue, for and against the issue, but one thing I said in the onset of hearing the case was I didn't want by any decision that I made, and I'm just one vote, to put anybody out of business. And there was many specific comments I made on the record and in the compromise it was a reduction in the number of trucks that could be had at the site and even the size of the trucks that could be had at the site. Now, it's my understanding there's more questions being raised about the turnaround radiuses that are even putting them in a position where it probably would close down the business. So I want to be clear that from the onset I didn't want to close down the small business but did make a motion that reduced the magnitude of the number of trucks and the size of trucks. So that's what I want to say on the record, so it sounds like they'll be able to provide notice and then bring it back for the full Commission to hear it and address whatever concerns my colleagues may have.

CHAIR MAYFIELD: Thank you, Commissioner Anaya.

COMMISSIONER HOLIAN: Mr. Chair, I move for approval of the amended agenda.

COMMISSIONER STEFANICS: Second.

CHAIR MAYFIELD: Thank you, Commissioners. Commissioners, I would ask for your indulgence on one item. We have Presentations and Discussions of items, Matters from the Commission. I have one item, 5.a.i, Recognition of 2013 of the Santa Fe New Mexican's Ten Who Made a Difference. Mr. Narciso Quintana is with us today. He's the only individual of the ten who were able to make it today. I would ask if we could just move that one item up after our Consent Agenda if the Commission would indulge me with that.

COMMISSIONER STEFANICS: That's fine with me.

COMMISSIONER HOLIAN: That's fine with me.

CHAIR MAYFIELD: Thank you. So with that amendment, Commissioners, I would ask for approval of our agenda.

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

1. g. **Approval of Minutes**
 - i. **Approval of November 19, 2013 Special BCC Meeting Minutes**

CHAIR MAYFIELD: Do we have a motion?

COMMISSIONER HOLIAN: Mr. Chair, I move for approval.

COMMISSIONER CHAVEZ: Second.

CHAIR MAYFIELD: We have a motion and a second.

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

1. g. ii. **Approval of November 26, 2013 BCC Meeting Minutes**

CHAIR MAYFIELD: Do we have a motion for approval?

COMMISSIONER HOLIAN: So moved.

COMMISSIONER STEFANICS: Second.

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

1. g. iii. **Approval of December 3, 2013 Special BCC Meeting Minutes**

COMMISSIONER CHAVEZ: Move for approval.

COMMISSIONER HOLIAN: Second.

CHAIR MAYFIELD: Thank you, Commissioners.

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

2. **CONSENT CALENDAR**

a. **Final Orders**

- i. CDRC Case # V 13-5110 Ellen Jacobs Variance. Ellen Jacobs, Applicant, Joseph Karnes Agent, Requested a Variance of Article III, Section 10 (Lot Size Requirements) of the Land Development Code to Allow Two Dwelling Units on 2.29 Acres. The Property is Located at 55 Camerada Loop, in the Vicinity of Eldorado, within Section 10, Township 15 North, Range 9 East (Commission District 5) John Lovato, Case Manager (Approved 3-2)

b. **Financial Actions**

- i. Request Authorization of the Use of District 3 Capital Funds, Per Capital Outlay Policy, Allocating \$4,900 for the Purchase of Furniture for the Sheriff's Office Staff at the County's Edgewood Fire Station (Finance/Teresa Martinez)

THIS DOCUMENT IS A PUBLIC RECORD

ii. Request Authorization of the Use of District 4 and 5 Capital Funds, Per Capital Outlay Policy, Allocating \$80,000 for the Installation of a Utilities Trailer Located at the Public Works Facility (Finance/Teresa Martinez)

c. **Resignations**

i. Resignation of Santa Fe County Health Policy and Planning Commission Member Allan Bendorf (Community Services/Rachel O'Connor)

d. **Resolutions**

i. Resolution No. 2014-____, a Resolution Supporting Continued Funding of the Federal Payments in Lieu of Taxes Program by Sending a Letter to the Honorable Barbara Mikulski, Chair of the US Senate Committee on Appropriations

CHAIR MAYFIELD: Do any Commissioners have anything they would like to discuss off of our Consent?

COMMISSIONER STEFANICS: Mr. Chair.

CHAIR MAYFIELD: Commissioner Stefanics.

COMMISSIONER STEFANICS: Mr. Chair, I have a question about 2.b.i, and it's not so much for Finance but somebody from the Sheriff's Office.

CHAIR MAYFIELD: Commissioner, would that take under five minutes?

COMMISSIONER STEFANICS: I don't know. I have a question I'd like to ask the Sheriff's Office.

COMMISSIONER HOLIAN: Mr. Chair, I have some questions as well.

CHAIR MAYFIELD: So let's do this. Let's pull that right now and discuss it briefly. If it starts going a long time we'll just ask that we run over a little bit on that.

COMMISSIONER HOLIAN: Mr. Chair, I have a couple of other short questions and I would also like to pull item 2.a.i, which is the final order for CDRC Case V-13-5110, because I would like to vote on it.

CHAIR MAYFIELD: Okay, Commissioner. Let me ask this. On 2.a.i, we have already voted on that. You want to do a different vote?

COMMISSIONER HOLIAN: I want to vote on the final order.

CHAIR MAYFIELD: Okay. I think we've done that before. So let's pull them both and with that –

COMMISSIONER ANAYA: Mr. Chair.

CHAIR MAYFIELD: Commissioner Anaya.

COMMISSIONER ANAYA: I just have a brief question. Are we doing quick questions or pulling? Because I just have a quick question on 2.b.ii.

CHAIR MAYFIELD: 2.b.ii.

COMMISSIONER HOLIAN: Mr. Chair, I also have a quick question on 2.c.i and 2.d.1. Those are just quick questions tough.

CHAIR MAYFIELD: Fine. I think they're all quick questions.

Commissioners, we're all doing this as my very first meeting as chair with the Consent items.

COMMISSIONER STEFANICS: We planned this.

CHAIR MAYFIELD: I think you all did.

COMMISSIONER ANAYA: I just wish there were more Consent items to pull.

CHAIR MAYFIELD: Thanks. I think we pulled every single one, didn't we. So let me just see. We are pulling off the Consent, we are pulling the final order and we are going to do a new vote on a.i. We are pulling b.i. We are pulling b.ii for a quick question. We are pulling – and Commissioner Anaya, you also wanted to pull –

COMMISSIONER ANAYA: 2.b.ii.

CHAIR MAYFIELD: 2.b.ii. And Commissioner Chavez, I did leave you last.

COMMISSIONER CHAVEZ: I have nothing. I'll just enter the discussion and wait.

CHAIR MAYFIELD: Okay. I am going to pull c.i, and that is just to recognize a community service member for great service, and I think Manager Miller would like to pull something also.

MS. MILLER: To round things out I have a comment on d.i, an update that I received this morning from the National Association of Counties.

CHAIR MAYFIELD: Okay, so Commissioners, I guess my priority would be we're going to kind of scrap Consent Calendar today and we will just be talking about everything off of our Consent. And with that, may we have a motion just to forward on discussing everything on our Consent Calendar.

COMMISSIONER HOLIAN: Mr. Chair, do we need a motion?

CHAIR MAYFIELD: I guess not. I don't think we do.

COMMISSIONER STEFANICS: Mr. Chair, that's item 3.d now. So all of these items go down to 3.d, and we had moved your recognition up of the Ten Who Made a Difference.

CHAIR MAYFIELD: Great. Thank you, Commissioner Stefanics, for letting me know that. So now we are on our Action Items.

3. **ACTION ITEMS**

a. **Appointments**

i. **Appointment of Board Member to NMAC Multi-Line Pool Board of Directors and Appointment of a Voting Member and Alternate to Represent Santa Fe County at NMAC Annual Multi-line Pool Membership Meeting**

COMMISSIONER ANAYA: Mr. Chair.

CHAIR MAYFIELD: Vice Chairman Anaya.

COMMISSIONER ANAYA: Mr. Chair, I would move that Danny Mayfield be appointed as the multi-line pool board member, and as the alternate as our chairman to the board at NMAC.

COMMISSIONER HOLIAN: I'll second that.

CHAIR MAYFIELD: Commissioners, is there any other discussion on that or any questions to that?

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COMMISSIONER STEFANICS: Mr. Chair, I have no objection to your appointment and do we not need a different alternate – you would be the voting member at the NMAC multi-line pool membership meeting, but then we would need an alternate to you, and I would nominate Robert Anaya, Commissioner Anaya, to be your alternate, and that you both would be each other's alternate for Worker's Comp and for multi-line.

CHAIR MAYFIELD: I would second that also.

COMMISSIONER ANAYA: I think that makes sense, because they're both at the same place, same time. Yes, I would accept that and I apologize. That's a good catch.

COMMISSIONER HOLIAN: Mr. Chair, as the seconder of the motion I agree.

CHAIR MAYFIELD: So there have been a lot of firsts and a lot of seconds. So we have a motion appointing myself to the NMAC multi-line pool and as appointing me as an alternate to Commissioner Stefanics on the – Commissioner, could you repeat that?

COMMISSIONER ANAYA: The agenda item deals with the multi-line pool board and the multi-line has a member and an alternate member, and so the motion is that you'd be the voting member and I'd be your alternate on multi-line, and she also added that you'd be the alternate on Workman's Comp because the meetings are of a similar nature and similar time frames.

CHAIR MAYFIELD: Thank you.

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

3.
 - b. **Resolutions**
 - i. **Resolution No. 2014-1, a Resolution Granting Satview Broadband LTD a Certificate and Acceptance of a Cable Franchise to Operate a Cable System within the Northern Part of Santa Fe County Property and Approve the Transfer of a Cable Television Franchise from Baja Broadband LLC to Satview Broadband, LTD**

DAVID GRISCOM (Economic Development): Thank you, Mr. Chair. So the County, per Ordinance 2000-6 has the authority to grant a certificate of franchise to cable companies, and Baja Broadband which was operating in Espanola has transferred its business to Satview and the resolution that you have in front of you today is to approve a certificate of franchise.

The company itself, Satview, has 76 customers in and around Espanola, primarily on the eastern side of it towards Chimayo. It has six employees. As you see in Exhibit A from the resolution there's a rough map of what its service territory is. This company provides broadband and television basic cable service for households and businesses. The transfer, the cable transfer has happened at least three times for this are. Initially it was Southwest Cable back in 1994 I believe. It transferred to Mark Twain which transferred it to US Cable which transferred it to Baja. Baja has now sold it to Satview.

We have the right to impose a five percent franchise fee on this and per the FIR that you have in front of you that franchise fee would amount to roughly \$3,311 per year. That's

based on Baja's payments to the County on a quarterly basis from last year. With that I stand for any questions.

CHAIR MAYFIELD: Commissioner Chavez.

COMMISSIONER CHAVEZ: Could I ask a question on that. David, that five percent franchise fee, is that an industry standard that we would have to accept at this time? Is there any flexibility at all to negotiate a higher rate?

MR. GRISCOM: The Ordinance 2000-6 calls for five percent, Commissioner.

COMMISSIONER CHAVEZ: And again, is that an industry standard that we're using or how do we arrive at that five percent?

MR. GRISCOM: I do not know, Commissioner. Thank you, Mr. Chair.

CHAIR MAYFIELD: Commissioner Stefanics.

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

COMMISSIONER HOLIAN: Second.

CHAIR MAYFIELD: Thank you. Is there discussion? Mr. Ross, Mr. Griscom, I guess I still have a question of staff, Commissioner. This might be – and I'll just probably give this to Mr. Griscom so he can address that. Steve, if you can explain this to me, franchising. So cable is permitted by the feds so they're not under statewide purview, correct? Is that why the County can't impose franchising on a cable provider?

MR. ROSS: Mr. Chair, this is a federal statute that guarantees local governments the right to charge franchise fees.

CHAIR MAYFIELD: On a cable provider.

MR. ROSS: On a cable provider.

CHAIR MAYFIELD: But let's say if this was a telephone provider, a gas provider, electric provider, we could not do this?

MR. ROSS: Mr. Chair, the ability of counties to charge franchises other than cable is in doubt because of a court ruling. The Association of Counties keeps putting a statute in the hopper at the legislature to try and reclarify that counties have the same authority as cities but it hasn't gotten anywhere yet.

CHAIR MAYFIELD: What about, say, a local cooperative?

MR. ROSS: Mr. Chair, it's the same thing. It's use by an electrical co-op of the government rights-of-way. Same issue.

CHAIR MAYFIELD: Mr. Ross, Mr. Griscom, this is for the northern part, so how does this work when it's going through checkerboarded areas through sovereign lands also. How is this going to work, if this particular broadband –

MR. ROSS: Mr. Chair, if the successor to Baja Cable, what's the name of it? Satview. If they have to cross sovereign lands they have to make a separate arrangement with the relevant pueblo or tribe.

CHAIR MAYFIELD: Okay.

MR. ROSS: We don't have the authority to grant anybody authority to go over Indian lands.

CHAIR MAYFIELD: Right. Thank you. Mr. Griscom, will they be trying to tie into the broadband network through REDI-Net?

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MR. GRISCOM: Mr. Chair, I believe they will. In fact, they have already reached out and initiated conversation about becoming a customer of REDI-Net, which will only help REDI-Net.

CHAIR MAYFIELD: Thank you. This is a public hearing. Is there anybody here from the public that would like to comment on this matter? Seeing none, we do have a motion and a second. This public hearing will be closed. Thank you.

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

5. PRESENTATIONS/DISCUSSION ITEMS

a. Matters from the Commission

i. Recognition of 2013 Recipients of the Santa Fe *New Mexican's* "Ten Who Made a Difference" Award

CHAIR MAYFIELD: Commissioners, I think I asked for one matter to be moved ahead and I kind of overlooked that so I apologize to Mr. Quintana. I'm going to ask that we go ahead and go back to item 5.a.i and address that right now. With us today we do have Mr. Narciso Quintana and his son, Mike Quintana with us. Mr. Quintana would you come forward, please? Mike, come on up too, please. Thank you.

Commissioners, thank you. So for nearly 30 years the Santa Fe *New Mexican* has honored individuals in our communities whose contributions have made a difference. This past year, 2013, the *New Mexican* honored ten in our community who made a difference. And I'll read those honorees in a few minutes. But with us today we are fortunate to have Mr. Narciso Quintana, and I'm going to say your age, Mr. Quintana, who is 75 years old. Mr. Quintana gives back to his community as a volunteer, a coach, a labor organizer, a mayordomo, and a caretaker.

At four years old Mr. Quintana wrapped his arms around his father's legs and held tight. His young brother did the same. Both boys were crying. Their father, still recovering from hernia surgery gently but firmly made them let go, turned and left the brothers in the care of strangers. In his *New Mexican* interview, Mr. Quintana indicated that it must have been hard for his father to do that. It was one of many tough childhood moments etched in Mr. Quintana's memories and in the work ethic he has practiced all his life. He says his hard youth drove him to give back to his community as a volunteer and it is in his honor of this ethic that Mr. Quintana was chosen as an honoree for the *New Mexican's* Ten Who Made a Difference.

His story was featured during the Thanksgiving holiday in the *New Mexican*. Mr. Quintana, with that, the Commission have signed a certificate of recognition and I'd like to read that. The Board of Santa Fe County Commissioners hereby acknowledge Narciso Quintana, a community volunteer, coach, labor organizer, mayordomo, and caretaker for his dedication, social commitment and ethic working to improve his community through volunteerism, as a community coach, labor organizer, mayordomo and caretaker. The Santa Fe County Commission extends our recognition and appreciation for years of commitment and enthusiasm working to improve the greater good of community. Therefore, the Board of

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Santa Fe County Commissioners presents this certificate of recognition on January 14, 2014. It has been signed by all of our Commissioners.

Also, Commissioners, I'd also like to recognize that Mr. Quintana is the president of our Nambe Senior/Community Center and he does a great job out there, takes a lot of pride in that work and does a phenomenal job out there keeping me on my toes of any of our needs out there also. And with that, Commissioners, I don't know if you have anything to add but I wanted to take a picture of the full Board with Mr. Quintana. Narciso, do you have anything to add, or Mike?

NARCISO QUINTANA: In 1942 there were no jobs at all. My dad had to go out of state like Montana, work wherever he could get a job. Meanwhile, my mother would take care of us. There were six children and one day my two brothers were pitching hay in the wagon and they had two horses, so my brother said giddy-up and one of the horses started going forward and they ran over the dog's tail and he started barking. The horses got scared. They took off. Neither of us on top of the hay squashing it down and she slipped. She ran in front of it to try to stop and save us and she was killed. I was four years old. My dad came down from Montana and decided that there was no work here so we moved to California, landed up in Los Angeles. My dad got a job there and then he landed up in the hospital. They had to put us in an orphanage. I was four and my little brother was two so they put us with 20 other kids in a small room.

And it was one of them that used to lay on top of us and we used to call him Pipi because of he used to urinate on top of us. He wasn't trained to go to the potty so there was a horrible smell. And what they used to give us every day for dinner was boiled cabbage. That was their favorite food, it was the cheapest food, I assume. So I hated cabbage for the longest time. I couldn't even stand it. So my dad came down one time after they released him from the hospitals and he saw that we had blisters on our head and long hair, so he went ahead and gave us a haircut. He was good at cutting hair. So after he was going we grabbed him. We didn't want to stay there, but he had to go.

After, he came back for us and took us back and then we worked in the fields. We used to go to the cotton fields. We used to work out in the fields. We hardly ever went to school. So in 1956 I was old enough to drive. I got my license and my dad said let's go to New Mexico and I said, Where? I didn't know New Mexico at all. History was never my favorite subject. So I said, Dad, I'll go if we need to. So he drove one truck and I drove the other one. So we finally landed up here in Nambe, New Mexico. Here by Pojoaque and that's where I stayed, and I'm proud to be here. I still do a lot of work for that valley and I'll continue doing it as long as I can. I've been mayordomo for over 20 years and I'm also commissioner for the state of New Mexico for the acequias and I'm proud to be here in the state. Thank you so much, Commissioners.

CHAIR MAYFIELD: Thank you, Mr. Quintana. Mike, do you have anything to add?

MIKE QUINTANA: Just that he was born, my father was born in Nambe, New Mexico, and he's a proud New Mexico. He went to California, like he said he never knew anything about New Mexico, but when he came back to New Mexico he loved the state and he loved his farm, my dad's farm, my grandfather's farm. And he doesn't want to develop the land into condominiums or other stuff. He wants to do the old farm style so that's

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why he's acequia mayordomo and the ditch commissioner because he just has a proud sense of land and family down in Nambe. We just came from a funeral of a close friend of ours, also of Mr. Mayfield's friend also.

Like I was saying, he just has a very strong sense of community, and that's where he gets – he's very loyal to his family and his friends and he just likes to reach out and help people. He's adopted five kids and he's still taking care of them. And then plus his ranch, he's got 20 animals out there. He's a butcher but he's got cows and pigs but he doesn't want to eat his animals. He's got too big of a heart. Anyway, thanks to all of you and thank you to the New Mexican for recognizing my father.

MR. QUINTANA: One of the reasons that I enjoy being mayordomo and in charge of the water is because the water is so important to the state of New Mexico and we need to protect our waters.

CHAIR MAYFIELD: Vice Chairman Anaya.

COMMISSIONER ANAYA: Mr. Quintana, thank you very much for your service and thank you for providing those people here today, ourselves on the bench and the public listening in and maybe watching, some perspective today on your life and maybe some reflection on their own. But thank you very much for your service and what you do to help your community day in and day out.

COMMISSIONER STEFANICS: Mr. Chair.

CHAIR MAYFIELD: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you very much. Thank you, sir, for your service. You are a true role model for others so that they do not just sit down and retire at retirement. They keep on giving to the community. Thank you so much.

MR. QUINTANA: These are the golden years.

COMMISSIONER STEFANICS: Yes. Thank you.

COMMISSIONER HOLIAN: Mr. Chair.

CHAIR MAYFIELD: Commissioner Holian.

COMMISSIONER HOLIAN: Your story, the story of your childhood is really heartbreaking and you really overcame a lot, clearly. And I just want to from the bottom of my heart thank you for all that you've given to your community, to our community.

CHAIR MAYFIELD: Commissioner Chavez.

COMMISSIONER CHAVEZ: I don't know if there's anything I can add, Mr. Quintana, only to say that as a legacy, I hope that your story will mean something to your children and to your grandchildren and to other community members, and that your struggle will not be forgotten and that your commitment today will be recognized and I hope that we can appreciate the work that you have done and hope that you can continue that in the future. So thank you.

CHAIR MAYFIELD: Mr. Chair, I just wanted to add one thing. I hope that your family is sitting down with you with a tape recorder and getting all these stories recorded. Is that so?

MR. MIKE QUINTANA: We write down stuff. We don't always film everything but we've been taking notes.

MR. NARCISO QUINTANA: Can I say some more things?

CHAIR MAYFIELD: Please. Please.

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MR. NARCISO QUINTANA: There's a new center in Nambe, the senior center. Of course I serve on the board there. What I'd like to see, what's most important for that center right at the moment we need equipment. We need refrigerators and stove. We need a microwave. There's a lot of things that we need. We want to promote that for the valley so we can have more activities going on. Right at the moment I think we only have one or two activities going on a month. So I'm hoping that we can get some more things going for the valley.

CHAIR MAYFIELD: That's Mr. Quintana, he doesn't stop. He's always an advocate for the community, so that's great. And I'll just close on, you know, Mr. Quintana when it says coach, he's been very active in the community with all of our children. He was a big program director for all of our boys and girls through our basketball leagues for many, many years. He ran a phenomenal program and he's I think every one of our kids who's ever participated in any organized sports out there, Mr. Quintana has had a personal interaction with all of our children in the community. Thank you for all your dedicated work, Mr. Quintana. We're going to take a quick photo if you don't mind. Thank you.

[Photographs were taken.]

CHAIR MAYFIELD: Commissioners, I'm going to read in the names of the other individuals. So we also have Mr. William Channing. And all these individuals will be receiving their recognitions but I won't read all those in just for the sake of time. So Mr. William Channing was also recognized. Ms. Irene Padilla, Mr. Kenneth Mayers, Ms. Maura Taub – and my apologies if I mispronounce the names. Mr. Cesar Bernal, Mr. Elmer Leslie, Ms. Norma McCallan, Mr. Mel Gallegos, Mr. Notah Begay III, and of course Mr. Narciso Quintana. Commissioners, thank you for allowing me to move that up.

3. c. **Ordinances**

- i. **Request Authorization to Publish Title and General Summary of an Ordinance Establishing a Living Wage within Santa Fe County; Specifying Employers Subject to the Living Wage; Making Findings as to the Necessity of a Living Wage; Establishing a Prohibition on Retaliation for Reporting Violations of the Living Wage; Providing for Remedies and Penalties; Specifying Enforcement Officers; Providing the Process to be Employed Upon Complaints of Violation; Establishing Severability; and Providing an Effective Date**

COMMISSIONER STEFANICS: Mr. Chair.

CHAIR MAYFIELD: Yes, Commissioner Stefanics.

COMMISSIONER STEFANICS: You want me to start?

CHAIR MAYFIELD: Yes.

COMMISSIONER STEFANICS: Thank you very much.

CHAIR MAYFIELD: I believe this was introduced by Commissioner

Stefanics.

COMMISSIONER CHAVEZ: And Commissioner Chavez.

CHAIR MAYFIELD: And Commissioner Chavez.

COMMISSIONER STEFANICS: Thank you. You also have an updated memo at your seat. *[Exhibit 1]* It's a one-pager and all it does is identify what is in each section. I'd like to thank the Commission for allowing us to bring this forward. We were very busy last fall with the land use code and I did not want to take the time away from one important matter for another, so this is important and we will take as much time as we need.

We are requesting approval for publishing title and general summary today. I would envision that we would have a discussion again on January 28th and maybe, Mr. Chair, a vote on February 14th. Each section identifies the – what is in that section. It's not a long ordinance. There will be some language, legal language that is added to clarify definitions. Ms. Rachel Brown of our County Attorney's Office has been assisting me with the drafting and assisting Commissioner Chavez. Since we came out with the first public copy for discussion I wanted to let the public and the Commission know that I am going to delete the exemption for disabled. The language that's in the ordinance that was proposed was to exempt disabled who are in training programs. My understanding is that many of those training programs are going away. They're sheltered workshops and so for that purpose I am not exempting the disabled from a living wage.

We did find out that seasonal workers that are referenced in the ordinance have to do with people who are working in a situation where they receive room and board, similar to a day camp or a residential camp. We will be adding language under the section that has to deal with the procedure for violations. We will be adding some information that has to do with employers posting and of course anything else that Commissioner Chavez or others want to bring to the forefront.

I'd like to give you some fact sheets. *[Exhibit 2]* The fact sheets basically have been put together by our staff and utilize the Department of Labor and the Department of Workforce Solutions. I think you will find some of this information interesting. First of all, we do expect that many individuals in the community will say we can't afford this. Well, if you in fact turn past the living wage data point sheet to the second page you will see a chart that comes from the Department of Workforce Solutions that actually identifies – and I do have extra copies here for Ms. Miller, Mr. Ross, our transcriber – and if you look at the number of people employed in Santa Fe County this is private employment. This is not government employment. So this is not the City, the County, the Town of Edgewood, the City of Espanola. This is county private employment. There are about 50,485 employed at the end of 2012. If you look at the average weekly wage, every single solitary category is already paying an average of \$10.50 an hour which would equate to \$420 a week except for accommodation and food services.

In the accommodation and food services, which is the top line, there were 8,400 individuals who are not probably at that \$10.50 an hour. That represents 17 percent of our private workforce. Again, these are not stats for County government, State government, City government. These are stats for private employers in Santa Fe County.

The ordinance would in fact affect the unincorporated areas of the county. It would not affect cities – Espanola, Santa Fe, nor Edgewood. So at that point I'd stop and just turn it over to Commissioner Chavez as another co-sponsor for any comments.

COMMISSIONER CHAVEZ: Thank you, Mr. Chair and members of the Commission. It's an honor to co-sponsor this with Commissioner Stefanics and I think that

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we're in good company knowing that the City of Santa Fe in fact has had a living wage on the books for a number of years now and that will be notched up based on the Consumer Price Index. Albuquerque and Bernalillo recently passed their living wage and so I think that we're in good company and I think it's good timing for the County to now kind of follow that lead, if you will.

I want to touch a little bit on the tipped employees and Commissioner Stefanics, I think you touched on that in your comments. About 17 percent – there's a lot of people in the food and restaurant industry that depend on that job to provide for themselves and their families but in a situation where you have a tipped employee the base salary is being proposed – what's currently being proposed is \$5.16 an hour and then the tips would make up the difference. But what I would propose is a slight change in that and that would be that we make the base wage at 15 percent of the hourly wage and that would notch it up to \$5.20 an hour instead of \$5.16. So that is something I would like to propose at this point in time because it's not reflected in the language that's in front of us.

That 15 percent I think is fair and equitable for both the customer and the establishment because in the case of the tipped employee if the customer for whatever reason doesn't feel that that person deserves a tip then they're going to be shorted. The restaurant has to make up the difference, and that's not a real good situation for any worker to be in. I think you want to have a guarantee that you will have a base wage and then your tips will make up the difference. So I think 50-50 – 15 percent of that seems to be an equitable sharing in that case. So I'll just share that with you at this time and then under the exceptions where you have students working summer or part-time work, it's Section 2, Paragraph 3, Students regularly enrolled in primary or secondary school working after school hours or on vacation. I'm wondering – I'm suggesting that maybe we compensate them the \$10.50 an hour even though they're just working after school or on vacation. I think that they deserve that \$10.50 an hour. So I would propose that at this time as well.

That's all I have, Mr. Chair. Thank you.

CHAIR MAYFIELD: Thank you. Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. This is really an important ordinance I think and I would really like to commend all the people in our community who worked to help to bring this forward, and I would also request to be a co-sponsor if that is possible for three Commissioners to be a co-sponsor.

CHAIR MAYFIELD: I would ask Mr. Ross but I think whoever has wanted to sign on to a resolution in the past has done it so I would ask the sponsors.

COMMISSIONER CHAVEZ: I would have no problem with that.

COMMISSIONER HOLIAN: And I agree with the suggestions that were made. The only other suggestion that I might have is I would like to see this be consistent with the City ordinance as much as possible so that it's not confusing to the employers out there as to whether they're in the county or in the city and what rules apply and what rules don't. So I would like to bring it into compliance or consistency with what's in the city and I think that actually the living wage as defined in the city is \$10.51 an hour, as I understand it. So that would be a suggestion that I have.

COMMISSIONER CHAVEZ: Could I add to that, Mr. Chair?

CHAIR MAYFIELD: Commissioner Holian, are you done?

COMMISSIONER HOLIAN: Yes.

CHAIR MAYFIELD: Commissioner Chavez.

COMMISSIONER CHAVEZ: I think, if I'm understanding the ordinances correctly, the biggest discrepancy or difference between the City of Santa Fe's ordinance and Albuquerque and Bernalillo and even our ordinance, proposed ordinance is that the City's base wage is about \$2.60, I think. It's relatively low compared to what we're proposing or even lower than what Albuquerque and Bernalillo are doing. So I don't know what it would take for the City to catch up on that point but the wage itself is pretty consistent but where I see the difference is in the base wage as it related to tipped employees.

COMMISSIONER HOLIAN: Mr. Chair, I'm perfectly happy to go along with having a higher base wage for tipped employees, but I'm wondering about going ahead and making \$10.51 the living wage number for the majority.

COMMISSIONER CHAVEZ: Versus the \$10.50 which is what we're proposing now?

COMMISSIONER STEFANICS: Mr. Chair.

CHAIR MAYFIELD: Commissioner Stefanics.

COMMISSIONER STEFANICS: And so, Mr. Chair, Commissioner Holian, are you suggesting that the timeline changes? The ordinance presented today would have it going into effect 60 days after it passes and then being adjusted on January 1 each year thereafter. So what are you suggesting in terms – are you only suggesting \$10.51 or are you suggesting other things?

COMMISSIONER HOLIAN: Commissioner Stefanics, actually I have some language here that is proposed that does bring it into consistency with the City by changing the effective date. The effective date would be after March 1, 2014 and it will be adjusted each year as in consistency with the City as well. So I don't know. I think it would be a good idea to be as consistent with the City as possible.

COMMISSIONER STEFANICS: So, Mr. Chair, if I might.

CHAIR MAYFIELD: I need to ask our attorney a quick question. The way I looked at this on this agenda, this is to publish title and general summary. We're getting into some pretty significant discussion here right now and I do not want to cut any of my colleagues off from this discussion. We have an audience that I definitely want to hear from also and I have no problem affording public comment to anybody any time. I want everybody to know that. And I want to have meaningful discussion on this. And I want every other Commissioner up here to have a say because three of us have had a say right now. But I'm going to ask Steve, has this been published right for discussion right now? Or is this just being published for notification for this ordinance?

MR. ROSS: Mr. Chair, today's discussion of course is just on the general notice provisions so we can have the discussion and arrive at a form of ordinance that you choose to formally publish and then subsequently we'll have a hearing on that and then this can be made at that time. We have an ordinance in front of us to work with and what we need to have an understanding of at the end of the discussion what it is that's proposed.

CHAIR MAYFIELD: Again, Mr. Ross, my question is can we be now discussing the contents and the election of how we want this ordinance to maybe –

MR. ROSS: Yes.

CHAIR MAYFIELD: Okay. That's fine. Thank you. Commissioner Anaya, you haven't had a chance to speak yet.

COMMISSIONER ANAYA: So Mr. Chair, we've all engaged in discussion and have had proponents of this minimum wage discussed to us. I as recently as today had discussions. I haven't had a chance to have discussions with Commissioner Chavez or Commissioner Stefanics. What I do want to say on the record is that I think we need to be deliberate in the discussions as well as the feedback we receive from the public. So I don't think it's appropriate to try and add changes today and then have an assumption that, hey, you made those changes and next meeting we're going to have a public hearing and we're going to vote on this thing. I don't think that's appropriate. I think our timing that provides the business community as well as proponent or opponents the opportunity to come and present to this Commission and that we should extend those invitations to those individuals to do so.

I don't see this happening in a month's time at all. I see us needing to take the appropriate time to evaluate and then provide ample time for public comment and feedback. So that's my take.

CHAIR MAYFIELD: Thank you, Commissioner. Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. I was going to get into more detail about timelines but I think I can have that conversation off-line with Commissioner Holian. On Commissioner Anaya's comments, I believe that two public hearings, that would take us to the middle of February, that would accomplish vetting it for the public. Since we're only talking about 17 percent of employees currently not receiving this amount. So I do understand there's going to be some controversy about this.

COMMISSIONER ANAYA: On that point.

CHAIR MAYFIELD: Commissioner Stefanics?

COMMISSIONER STEFANICS: I'm finished.

CHAIR MAYFIELD: Vice Chairman Anaya.

COMMISSIONER ANAYA: Mr. Chair and Commissioner Stefanics, I want to make sure that the public understands clearly what's being proposed with any changes and that that is put out to the public and they have an ample opportunity to review it and then organize their thoughts and come provide those thoughts to us as a Commission. So I don't think today we should wing it and assume that we can get through the drafting of it and then next month vote on it. Those are my comments on the record.

The other thing I would say, and I've suggested this to some of the proponents in some of the discussions is that it might entail Santa Fe City area and the city parameter or it could encompass the whole county. I think that's also something that we've discussed, that I've discussed. I know I have. But it could have unintended detrimental impacts on other parts of the county without intending to do so. We just went through an extensive land use process where we're doing zoning throughout the county and there are tri-county areas in the southern part of the county that could be adversely impacted.

So I don't – I understand it doesn't incorporate the Town of Edgewood but I don't want our actions to adversely impact the cooperation and the planning efforts that we've been undergoing collectively with southern Santa Fe County in particular. And I don't know what Commissioner Mayfield has done in the north but I wouldn't want us to pre-empt any coordination efforts that they might have. Obviously, with the City of Santa Fe it

complements what they're doing but it may not complement what some of those other entities are doing and I think we should be cognizant of that and give those governmental entities and communities a chance to provide us some feedback. So that's kind of my perspective.

CHAIR MAYFIELD: Thank you, Commissioner. Commissioner Chavez.

COMMISSIONER CHAVEZ: Just a final comment. I think that even though the living wage as it applied to Santa Fe County specifically, I think that the concept again is not totally foreign. It's not alien to most of the public even though there is going to be – it is going to place maybe some hardship or cause businesses to have to readjust their business plan, but I think it's going to be a very minimal impact. I don't see anything wrong with discussing the fine points of this ordinance today here and now because it's going to give the public information that I think is important and if there is any suggestions on changing, making it better, adding, I was comfortable having that discussion now today, knowing that we're not going to take formal action on it. I don't want to rush it but I don't want to drag it on too long either. I think, I really believe that the time is right now and I think that we are in good company and I think that the economy, our Santa Fe County economy, the entire Santa Fe County economy will be able to absorb this. And there will be a review in a year. It's tied to the Consumer Price Index. There's a lot of good about it so that the bad parts will dissipate in time. But anyway, I just wanted to share that with you and I don't mean to be disrespectful or to rush the process but to try to have an open discussion about the details as we move forward. Thank you, Mr. Chair.

CHAIR MAYFIELD: Thank you. And Commissioners, I appreciate everybody's insight on this and that was my question, Mr. Ross. I just wanted to make sure that it was properly noticed and just not for a noticing requirement for publishing title and general summary on this. Because I have had the opportunity to meet with individuals on this and I do support a living wage for everybody. But I also want to ask this: based on what the City of Santa Fe has done, I think they had a lot of insight on doing this I do know that they went through a lot of significant legal challenges on this and hearing what Commissioner Holian just stated, and this would be my question to Mr. Ross and knowing that he may not want to answer this right now, but if Santa Fe County makes significant changes to this proposal could we then thereby maybe it takes a lot of legal challenges to something that we may enact, if it's a lot different than what the City has on the books right now.

MR. ROSS: Mr. Chair, we actually used the City of Santa Fe ordinance as the basis for this ordinance except for the things we've been discussing here about the details, the amount of minimum wage for tips and the \$10.51 and how the increases are calculated. The rest of the ordinance is right out of the City ordinance except that the City is a home-rule municipality and we're living by Chapter 4 of the NMSA and the rules are different so there had to be some changes made to accommodate the differences in governmental structure. But aside from that it is the City of Santa Fe's ordinance.

CHAIR MAYFIELD: So, Mr. Ross, say even an enforcement piece with, say, the centerpiece of enforcement, I don't believe I saw that in the County's while I do see it in the City's. Am I just not looking at that?

MR. ROSS: Mr. Chair, enforcement of County ordinance is by statute so we sometimes don't even put that in here because there's a very detailed statute on how you

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enforce it. All those gentlemen that were in here that were in uniform earlier, they're the enforcers of County ordinances in addition to the Sheriff's Office, so that's slightly different from the way a municipality works as well.

CHAIR MAYFIELD: And here there's also the exclusion for students. I don't know why we would want to exclude students. It's not talking in depth about this but why would we want to exclude students from this minimum wage? But that I guess could be fairly under discussion when we have full-blown hearings on this. And then the tipped wages though, on the tipped wages piece, would that be like a donut hole approach? Because the City wouldn't be governed by the tipped wages piece, would they? If we made this applicable in our unincorporated areas? The City wouldn't have to follow suit, would they?

MR. ROSS: Mr. Chair, I'm sorry.

CHAIR MAYFIELD: On page 4 in Section B, Section 4, excuse me. Section 4.B. It's actually on page 4 of the draft. Would the City have to follow suit if we raise the base wage on the tipped employees?

MR. ROSS: Mr. Chair, no, they wouldn't have to. That would be a difference between the two ordinances. That's the subject that Commissioner Holian was broaching. So an employer who employs people both in the county and the city would have to be very careful if there were differences and pay the appropriate amounts within the incorporated areas and without.

CHAIR MAYFIELD: And I guess my question there is for our enforcement officers, would our enforcement officers have to try to figure that out, if they went into an establishment? Like how that's all calculated?

MR. ROSS: Mr. Chair, no. I think it would be very clear to them. They only work in the county so they know the County rules and won't even care about the City rules. They might not even know what they are. They just know what our rules are and carry our rulebook around so that they know what questions to ask of the employers.

CHAIR MAYFIELD: Okay. That's all I have. Vice Chairman Anaya.

COMMISSIONER ANAYA: Mr. Chair, I want to quantify my previous comments because I appreciate what Commissioner Chavez said. I'm not speaking either for nor against the ordinance at this time. My comments pertain to outreach, information and public input, specifically. Given the magnitude of the discussion and the decision that we're going to make I think at minimum we should have two public hearings consistent with ordinances that we generally enact that don't include today. Today is just publishing title and general summary. And in the interest of that input that we're going to utilize for understanding and clarifying whatever the ordinance ends up becoming, I think that affords ourselves and the public information they need.

So as such, I move we have a minimum of two public hearings on this ordinance.

COMMISSIONER CHAVEZ: I'll second for purposes of discussion, but I think it's the chair's prerogative to even have a public meeting here now today.

COMMISSIONER STEFANICS: Mr. Chair, I have already recommended –

COMMISSIONER ANAYA: If I could just clarify my comment. I'm not preempting the chair's prerogative or anybody's prerogative. Today we're just publishing title and general summary. So what I'm moving is that we have two public hearings beyond today's meeting which would not take it to the middle meeting in February. That's all I'm

suggesting. I'm not siding one way or the other. I'm saying I would like to make sure we have as much information as possible before we make any final vote and giving the public that opportunity is what I'm after.

I also don't want us to politicize this decision for any reason whatsoever and so I'll say that additionally. Thank you.

COMMISSIONER HOLIAN: Mr. Chair.

CHAIR MAYFIELD: I'm going to go to Commissioner Stefanics first. Commissioner Stefanics, do you have anything to add?

COMMISSIONER STEFANICS: Mr. Chair, I think that I had actually said earlier two public hearings after today, but I was very specific about January 28th and February 14th. I understand that is not in Commissioner Anaya's motion so I cannot vote for Commissioner Anaya's motion. I would vote for a motion that has two public hearings that has a vote on February 14th.

CHAIR MAYFIELD: Commissioner Holian.

COMMISSIONER HOLIAN: Mr. Chair, I just wanted to ask Steve, is it possible for us to have two public hearings on the next two consecutive BCC meetings that we have? Is there any problem with having a public hearing on the 28th of January as well as February 11th?

MR. ROSS: Mr. Chair, Commissioner Holian, no, that's perfectly do-able.

COMMISSIONER HOLIAN: Because that would be my preference as well. Thank you, Mr. Chair.

CHAIR MAYFIELD: Commissioner Chavez, Commissioner Anaya, anything else?

COMMISSIONER ANAYA: Just a comment. I'd leave my motion alone. I don't – throughout our land use process that we went through for our Sustainable Land Use Code we didn't define any period of time that we would have an absolute vote. The intent is to have input and feedback as necessary. If it's the wishes of the Board to vote after the second public hearing then that would be the wishes of the Board, but to say unequivocally absolutely we would vote on it after that time I don't think would be an appropriate statement on the Board's part. We don't know what we're going to receive or what other information we could have. So my motion is simple, that we have a minimum of two public hearings and no adjustment to an absolute vote at any time.

COMMISSIONER CHAVEZ: Mr. Chair.

CHAIR MAYFIELD: Commissioner Chavez.

COMMISSIONER CHAVEZ: I'm going to withdraw my second because I think that the discussion is good, both on our end here on the dais and certainly from the public, those that are going to benefit and those that are going to bear the burden, if you will, and I think the burden the way that we're presenting it is a pretty fair share of that when it comes to tipped employees. I'm going to focus a lot on the tipped employees. Again, because this is not a concept that that's new, Albuquerque and Bernalillo just acted on theirs, I think that there could be some deadline or some due date on this without jeopardizing on limiting any of the discussion or debate that's relative and important to this particular issue. But I think that sometimes the longer we play it out then it can become politicized even more and even more divisive and people get separate. And so for those reasons I'm going to withdraw

my second to that motion and if you could agree to more of a type of a deadline I think that the two meetings with final closure I would be more comfortable with. So I'm going to withdraw my second.

CHAIR MAYFIELD: Commissioner Anaya.

COMMISSIONER ANAYA: That's fine. I'm going to leave my motion alone and just also say in the discussions that maybe a discussion on referendum in reference to Albuquerque has been made. That was done through referendum; it wasn't done unilaterally by the Council. But I'll leave my motion and if it dies for lack of a second, so be it.

CHAIR MAYFIELD: Commissioner Anaya, could you repeat your motion, please?

COMMISSIONER ANAYA: Mr. Chair, my motion was to have a minimum of two public hearings for this ordinance.

CHAIR MAYFIELD: I'll second that. So what I'm going to do, Commissioners, is we've have a public who's been here for some time already, but not like our typical time because we usually have people here till midnight. That's a joke. So I am going to open this. This has been noticed and it's been noticed to public title and general summary. I will ask respectfully that our public keep their comments limited and to the same topic, so if you have a bunch of you that want to talk on the same point please be respectful of the individual who just spoke before you. And I'll just ask if there's anybody from the public who would like to speak on this come on up. Limit yourself for a few minutes and we will hear you please. Steve, do they need to be sworn in on this? No. Thank you. So anybody that wants to come on up please come on up. And I will ask you to identify yourself by name please for our record.

ALMA CASTRO: My name is Alma Castro and I'll be interpreting.

JUAN LOPEZ: My nombre es Juan Lopez. Buenas tardes, señores comisionados. My nombre es Juan Lopez y vengo representando al Centro Laboral de Somos un Pueblo Unido. Somos un Pueblo Unido es una organización que está compuesta de 2,000 familias alrededor de todo el estado de Nuevo Mexico. Estamos hoy en este día aquí para apoyar la propuesta de la comisionada de la condicionada del sueldo mínimo en el condado de Santa Fe.

Creemos que esto es muy importante para la vida de todas las familias que laboran fuera de la ciudad. Vengo en representación de las personas que trabajan en diferentes negocios que están en el condado como el Tesuque Market, Eldorado, Bishop's Lodge y Santa Fe Tortilla. En esta oportunidad quiero darles parte de un testimonio que ha pasado y que aún sigue pasando. Yo trabajé por ejemplo en Santa Fe Tortilla, un negocio que está en el condado. Allí le pagan \$8 la hora. Se trabajan 12 horas al día. Todo esto creemos que encuentra nosotros que - y la mayoría de los que trabajan en esta compañía viven dentro de la ciudad de Santa Fe y gastan dentro de la ciudad de Santa Fe, como en el caso de la renta, el caso de la gasolina, la comida. Todo esto [inaudible] que hacemos un presupuesto de lo que se gana de 12 horas al \$8, sale \$96 por una larga jornada de 12 horas. Esto no está incluyendo los taxes que les quitan a uno.

A eso tenemos que [inaudible] el gasto de la gasolina y el gasto del carro. Para las familias que tienen niños pequeños, tienen que pagar [inaudible] school, o sea [inaudible] Y todo esto tiene que salir de los \$8 horas que se gana por hora. Entonces nosotros creemos que

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esto es injusto por lo cual nosotros estamos aquí pidiendo a todos ustedes que sean lo justo para todas estas familias que están trabajando. En mi caso yo no trabajo en la tortilleria pero mi esposa está trabajando. Es por eso que les digo que aún sigue siendo todos los gastos y lo que se gana. Allí cheques que salen de los \$165 y a veces hasta menos por una semana.

Si fuera un sueldo mínimo que se pagara por las 12 horas estamos hablando de \$126 aproximadamente para las 12 horas de trabajo. Para las \$96 que se gana a las \$8 estamos haciendo casi los \$30 de diferencia en un día. Por tres días sería \$90 que hacen falta para nuestras familias.

Como repito, aparte de esto tenemos que sacar el gas, entonces yo creo que esto sería beneficioso tanto para local como para el estado y ¿porque no decirlo? para todo el país que ayudamos a la economía. Entonces a ustedes les pido [inaudible] Gracias por apoyar nosotros y de parte de la organización apoyar y las apoyen para que todo esto salga y miles de familias, cientos de familias en tiempos difíciles en esta propuesta. Muchas gracias.

MS. CASTRO: I'll interpret as best I can quickly. Good afternoon, Commissioners. My name is Juan Lopez and I come representing the United Workers of Somos un Pueblo Unido. Somos un Pueblo Unido is an organization made up of more than 2,000 immigrant families throughout the state and we are here today in support of the proposal to raise the minimum wage in Santa Fe County. There are several benefits to raising the minimum wage, like growing our local economies and providing more spending money for working families. In particular I come on behalf of workers who are employed at businesses outside of the city limits, like Tesuque Ranch Market, Bishop's Lodge, businesses in Eldorado and the Santa Fe Tortilla Company where I used to work.

When working at the Santa Fe Tortilla Company I saw my colleagues work more than 12-hour shifts with little rest. Unfortunately, as a compensation for their work they earn less than \$100 before taxes a day for these 12 hours. A Santa Fe Tortilla worker earns \$8 an hour, almost half of what a worker earns in the City of Santa Fe and is exposed to the same cost of living. We must pay for gas, rent and food and we're making a total of about \$96 a day, which is \$30 less than what a worker would make in the City of Santa Fe. For families that have young children we must add the cost of childcare from that \$8 an hour and we must also have the cost of our cars. I no longer work at Santa Fe Tortilla but my wife does and so I'm still affected.

It would be a benefit for the City and the State and, why not? the country. We thank you very much and on behalf of our organization we are glad to be part of the conversation and would like to continue to be a part of this. We ask you, thank you for the initiative in these difficult times to value our work. Thank you very much.

COMMISSIONER ANAYA: Mr. Chair, may I ask a question just for clarification?

CHAIR MAYFIELD: Commissioner Anaya.

COMMISSIONER ANAYA: Just for clarification, he referenced other businesses but he was only raising concerns about one business. Is that correct? Or is he raising concerns about all the businesses that he worked at? Or just the one? Just the one business? You can ask him and then make sure he understands what I'm asking.

MR. LOPEZ: De todos, porque nosotros trabajan Eldorado, Tesuque la distancia que tienen y lo que están pagando.

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COMMISSIONER ANAYA: So Mr. Chair and Mr. Lopez, did he file – because I know other concerns were filed associated with the Santa Fe Tortilla Company. Were there other concerns formally filed with the state relative to the other companies? Or were they not as big of concerns or was it just the wage itself.

MS. CASTRO: There's been no wage complaint filed at Santa Fe Tortilla because they're actually in compliance. They're in the county so they're paying what is the minimum wage currently.

COMMISSIONER ANAYA: There were other concerns we've heard at this Commission associated with that particular business that were filed but there were no concerns associated with any of those other two businesses? I just want to be careful that we don't undermine those businesses if they're not doing anything inappropriate.

MS. CASTRO: As an organization we have collected over 2,000 petitions in Santa Fe County, some specifically from – the reason that we named those businesses is because we have petitions from employees of Tesuque Ranch Market, Bishop's Lodge, different hotels in the county and we actively have a campaign, so again, over 2,000 petitions in Santa Fe County.

COMMISSIONER ANAYA: But those businesses have not broken any law or current –

MS. CASTRO: No. Not even Santa Fe Tortilla in terms of wages.

COMMISSIONER ANAYA: Or Bishop's Lodge or the supermarket?

MS. CASTRO: They're in compliance with the current minimum wage of \$7.50 –

COMMISSIONER ANAYA: I want to make sure we're clear about that.

Thank you.

MS. CASTRO: You're welcome.

BRENDA RODRIGUEZ: Good afternoon, Commissioners. My name is Brenda Rodriguez and I am one of the member coordinators for Working America. Every evening we go door to door and speak with our members about working class issues. We currently have 112,000 members in New Mexico and we have 4,500 members in Santa Fe County. We're here today to express our support for the expansion of the Santa Fe minimum wage in the county. For the past six months we've spoken to , minimum wage earners and business owners, and along with other organizations we have collected over 6,000 petitions in support of the expansion. Just yesterday I spoke with one of our members who lives in the county and she shared with me that the people that live in the country share the local economy with Santa Fe and that they too deserve to earn the minimum wage. She couldn't be here today to share her testimony. Like many of our members, this is work hours so that's why a lot of our members couldn't be here and presently say how they feel about this ordinance. So we find it necessary that we were thinking about when to have a public hearing on this that would take place in the evening so that a lot of the business supporters that are in support of this and also minimum wage earners can be present.

I also wanted to share that when this grassroots effort began it began with the firm belief that nobody who works more than 40 hours a week deserves to live below the poverty line, and that everybody deserves a living wage that is applied and enforced in the county. Thank you.

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PATTI BUSHEE: Mr. Chair.

CHAIR MAYFIELD: I apologize I did not introduce Councilor Bushee earlier for being here. Welcome, Councilor Bushee.

COUNCILOR BUSHEE: Thank you, Mr. Chair, Commissioners. Happy New Year and it's interesting. It's always struck me when I get to wait in this room, in these chambers and take a look at this mural. Last time I was here for Commissioner Stefanics' marriage, actually, and a celebration of many folks with the Clerk. I recall the saying under equal justice under the law and how important it is, and that you are going to be creating a law that will help with justice and extend justice for the City, justice around wages, extend justice through the county. It's a decade, just over a decade ago that the Council brought forward and voted on the original living wage and Commissioner Chavez had the opportunity to support the living wage when he was representing the city.

I'm so impressed that you're coming forward with this and hope that it can mirror as much as possible what has occurred in the City. I think you will see the city open up, eventually, probably after the election, the living wage again to make sure that we can reflect what you're considering. What we're wondering is that the thing that I think is most important is an enforcement mechanism. I don't know what your plans are in terms of internal staff doing it, but I will say that the City still has more work to beef up its enforcement and I've been pursuing a follow-up with a [inaudible] labor board and perhaps we can have a City-County version of that if the ordinances mirror one another. If you look at the arguments that followed what happened in Albuquerque at the city it was really, would the city enforce it in Albuquerque, and that would be the issue for you. We have confronted legal battles. We have surpassed all of them. The studies show that the wages stay in our community. It's significant and I can also speak as a small business owner for many years and this is – it's really minimum wage when you get right down to it.

So I don't know if I've covered everything but one other thing I would suggest and let me just publicize this is I think you may be a little different on how you treat youth overall, discussing the possibility of students and interns. I can tell you what the sort of anecdotal evidence that's been out there is that is that this [inaudible] in terms of our youth that they would drop out for \$10.50 an hour or \$10.51 an hour is yet to prove itself.

So I would suggest if you can - you have different constituencies, you have different circumstances but the only businesses that have tended to oppose our wage have been fast food sort of big box chains or restaurants. I say if they don't want to pay a decent wage to their workers then we probably don't want them in this community. So I would just, speaking from my experience I wish you well. I think a decade later you may not have as much resistance. As Commissioner Stefanics pointed out there's really limited folks that don't get that wage already. So I wish you well and I thank you for your time.

CHAIR MAYFIELD: Thank you. Is there anybody else that would like to speak on this?

MUKHTIAR KHALSA: Mr. Chair, Commissioner, I'm Mukhtiar Khalsa from northern Santa Fe County and I just wanted to take my time to express my support for your undertaking this very, very important topic and I wanted to take my time to express my appreciation that this is something that the County addresses. That's all I wanted to say, but God speed and Happy New Year.

CHAIR MAYFIELD: Thank you. Anybody else? Commissioners, we have a motion to publish title and general summary and Mr. Ross or Madam Clerk will you read back that motion, please? We've been asked to publish title and general summary and to have two public meetings, from some of the notes that I have we've asked to have these meetings and I believe we've had an email received to have these meetings not during the day hours. At least to have them at least in the evening hours to accommodate some of the general public to make these meetings. Does that summarize your motion, Commissioner?

COMMISSIONER ANAYA: Mr. Chair, we have two motions on the floor, I thought.

CHAIR MAYFIELD: I don't believe so. I believe we only have one motion on the floor.

COMMISSIONER ANAYA: Just the one?

COMMISSIONER STEFANICS: Mr. Chair, I never made the motion to request authorization yet, to publish title –

COMMISSIONER ANAYA: The only motion on the floor was to have two public hearings.

CHAIR MAYFIELD: I'm sorry. I apologize. So we have a motion to have two public hearings.

COMMISSIONER ANAYA: A minimum of two.

CHAIR MAYFIELD: A minimum of two public hearings.

COMMISSIONER ANAYA: And if I could, Mr. Chair, going back to those comments, I'm not saying the Commission can't vote on it if the Commission so chooses to vote. I'm just suggesting we have a minimum of two.

CHAIR MAYFIELD: Mr. Ross, in thinking about our land use code, how did we have that noticed? We could or could not take action at the second hearing? How was that noticed up?

MR. ROSS: Mr. Chair, I think you'll find the December 10th meeting, we noticed that for – that process evolved out of all the various public meetings we had and then we started having public hearings and then at some point we realized that we could adopt the code on December 10th so we noticed that up for action, through evolution.

CHAIR MAYFIELD: Thank you. So we're asking for a minimum of two hearings. So we have that motion on the floor, for us to have two public hearings. Commissioners, we have that motion on the floor and I'm going to take a vote on that. All those in favor of having at least two public hearings.

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

COMMISSIONER STEFANICS: Mr. Chair.

CHAIR MAYFIELD: Commissioner Stefanics.

COMMISSIONER STEFANICS: I request authorization, I move authorization to publish title and general summary of an ordinance establishing a living wage within Santa Fe County.

COMMISSIONER CHAVEZ: Second.

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CHAIR MAYFIELD: We have a motion to publish title and general summary and we have multiple seconds.

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

COMMISSIONER STEFANICS: Mr. Chair.

CHAIR MAYFIELD: I'll go to my right. Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. I would move that the first public hearing be January 28th and that the second public hearing be February 11th with a notice to possibly vote, possibly take action.

COMMISSIONER ANAYA: Second for discussion.

COMMISSIONER HOLIAN: I'll second that as well.

CHAIR MAYFIELD: We have a motion and a second. Discussion please.

Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, Commissioners, I think that Councilor Bushee brought up a point that I discussed earlier with some of the proponents for the living wage that I think is an internal staff discussion beyond just whatever feedback we receive from the public, and that is we have numerous ordinances on the books that we don't have resources to provide enforcement for. And I've been very vocal about saying that we should very carefully be concerned and cautious when we add ordinances that are in fact not enforceable or don't have the resources. I don't speak blindly on this point. I've spent the last decade in workforce development with the Northern Area Workforce Development Board and working closely with Workforce Solutions that has a very large and very comprehensive enforcement mechanism within it and creating ordinances without enforcement is I think something we should be cautious about.

So I would just ask that staff, as this goes forward, evaluate those priorities that we've had where we would have liked to have more enforcement, where we don't, and begin to help us prioritize our needs. So that's just a comment, Mr. Chair and a request of the Manager and staff as this goes forward for discussion.

CHAIR MAYFIELD: Thank you. Commissioner Chavez.

COMMISSIONER CHAVEZ: Thank you, Mr. Chair. Commissioner Anaya, we have put some thought into enforcement and are very aware that if it's not enforceable then it's almost not worth spending the time crafting it. We also know that there will be a fiscal impact in enforcement and we're suggesting – there is the fiscal impact report that addresses some of your concerns and so I'll just point to that just briefly. If approved this ordinance will require the approval of a new FTE by the Board of County Commissioners. The FTE classification is that of a Code Enforcement Officer. The new requirement will increase the support required of the general fund annually by \$52,416. One time costs include training, laptop and a vehicle totaling \$27,685.

And so certainly there is going to be a cost incurred by the County but I'm looking at that as an investment in our future and hope that we can do that within those parameters. Thank you, Mr. Chair.

CHAIR MAYFIELD: Thank you, Commissioner. Commissioner Holian.

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COMMISSIONER HOLIAN: Thank you, Mr. Chair. Mr. Chair, I was just going to make the same point that Commissioner Chavez just did. So I don't need to repeat it.

CHAIR MAYFIELD: Thank you. Commissioners, on the enforcement side though, I believe we will have an enforcement officer coming out of our Land Use Department, but I also think that we might have to dedicate some time and money on this piece to our Legal Department. Steve, you can correct me on that if I'm wrong. I don't know if your resources are strapped but I would think that some enforcement piece would be run through your department also on this.

MR. ROSS: Mr. Chair, we're doing a lot more in the land use area, particularly with code violations so any help we can get would be much appreciated.

CHAIR MAYFIELD: Well, I don't think this would be just the code. You possibly, if this is enacted will be dealing with a whole different set of issues and potential, I'm going to call it wage theft.

MR. ROSS: That's correct. That's right.

CHAIR MAYFIELD: So I think your department might need to be looking at this FIR also by the time it gets back to us.

MR. ROSS: Mr. Chair, we'll look at it in the budgeting process and talk about it with Teresa.

CHAIR MAYFIELD: Not so much the budget process – before it comes back to us in the next piece.

MR. ROSS: I see what you're saying. I'm sorry, Mr. Chair. Yes. As far as the FIR as we move through this process, good idea. Okay. Thank you.

CHAIR MAYFIELD: Commissioner Stefanics.

COMMISSIONER STEFANICS: Mr. Chair, I did consult with Legal before we did the FIR. Legal indicated that until there was a numerous onslaught of cases that a Code Enforcement Officer could carry the responsibility. That perhaps when there was an overly high number or a class with one particular company that that might escalate to a legal matter versus a code enforcement. So we have been in conversation. We did put into the FIR no fiscal impact for this fiscal year but for the next fiscal year one new Code Enforcement Officer which would include administrative overhead as well as training. All of our Code Enforcement Officers do go off to training to learn what their responsibilities are, how to investigate, etc. So we did put that into the FIR.

CHAIR MAYFIELD: Thank you, Commissioner Stefanics. Mr. Ross, the City has a piece under enforcement remedies. Of course they have the criminal penalty but they also have other remedies and we have the same in ours. But under the City's piece it just says other remedies of the county and aggrieved violation of this section or any entity the members of which have aggrieved by violation of this section may bring a civil action in a court of competent jurisdiction to restrain, correct, abate or remedy any violation of this section and upon prevailing shall be entitled to such legal or equitable relief as may be appropriate to remedy the violation including without limitation in the statement, opinion of any wages during an addition amount or liquidated damages equal to twice the amount of any wages due injunctively relief reasonable attorney's fees and costs.

They have that in their piece; I don't see that in our piece. I guess that's what I'm asking, because that might just rectify the whole situation if somebody sees that.

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MR. ROSS: Mr. Chair, that's correct. The creation of a private right of action by a local government and we've been debating that in my office whether we think the County has the authority to do just that, and we're still debating it. If we think – if some member wants to consider having that we're certainly talking about a [inaudible] we'll talk with the member if it makes sense to include that.

CHAIR MAYFIELD: And then Mr. Ross, even an administrative enforcement, say from your department or the Manager's Office, if again, that's if this passes. I don't know what action this Board will take. But administrative enforcement pieces, if we feel they're not in compliance, something sent from this County that might get somebody's attention. Saying, okay, the County's say we may not be in compliance. So that's just food for thought. But I'll talk with you about that at a different time, Mr. Ross. Thank you.

Commissioners, just so I know this is still under discussion. We've asked for publishing title and general summary. We've asked for two public hearings. We're looking at two dates – January 28th and February 11th at this time. Can we look at some evening hours, to start no earlier than say, 6:00, 7:00 pm? We're okay with that, Commissioners? 6:00 pm. Thank you. So with everyone in favor of that –

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

CHAIR MAYFIELD: This has passed unanimously. Thank you. Thank you all for being here. Look forward to seeing you in a couple weeks. Commissioners, I am at this time going to ask that we have a ten-minute break please.

[The Commission recessed from 3:50 to 4:10.]

CHAIR MAYFIELD: Okay, it's about ten after four. Break was a little longer than we thought but we are going to call this meeting back to order

3. d. **Items from Consent Calendar Requiring Extensive Discussion / Consideration**

2. **CONSENT CALENDAR**

a. **Final Orders**

- i. **CDRC Case # V 13-5110 Ellen Jacobs Variance. Ellen Jacobs, Applicant, Joseph Karnes Agent, Requested a Variance of Article III, Section 10 (Lot Size Requirements) of the Land Development Code to Allow Two Dwelling Units on 2.29 Acres. The Property is Located at 55 Camerada Loop, in the Vicinity of Eldorado, within Section 10, Township 15 North, Range 9 East (Commission District 5) John Lovato, Case Manager (Approved 3-2)**

CHAIR MAYFIELD: Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. This is a final order to approve a variance that was requested. I believe that that variance is inconsistent with our

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code and it sets a precedent for the lot. So even though the reason for the request is actually not relevant – in other words, Ms. Jacobs could have home healthcare living with her in her house as it is currently set up I cannot vote for this variance so if anyone else would care to make a motion, I am not going to make the motion.

COMMISSIONER ANAYA: I'll move for approval of the final order.

CHAIR MAYFIELD: Commission, we have a motion to approve the final order which was acted on by this Commission at a prior date. Is there a second? I will second.

The motion failed by 2-3 voice vote with Commissioners Anaya and Mayfield voting in favor of the motion and Commissioners Chavez, Holian, and Stefanics voting against.

COMMISSIONER ANAYA: Mr. Chair.

CHAIR MAYFIELD: Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, Mr. Ross, these are technical modifications on final orders. We've been through this before. If a Commissioner wants to remove an item it's kind of like double jeopardy. If they remove an item for starting over they can have a motion to reconsider but on the final order there are technical matters and this is the second time this has come up this year that is very conflicting with the way the Commission has done business for many, many years. So could you speak to that, because I think to do this is inappropriate.

COMMISSIONER ANAYA: Mr. Ross, I also agree. There hasn't been a hearing. A Commissioner I believe could request that is very in favor of something but somebody that has voted against is asking for reconsideration on this?

COMMISSIONER ANAYA: No, no. Commissioner Chavez voted for it and now he's voting against it but in the final order that's not the – Steve, if you could talk about protocol, because the final orders are technical items, not matters for reconsideration of votes.

MR. ROSS: Mr. Chair, Commissioner Anaya, so our statutes require that we do a final order that describes the reasons for approval or denial of the land use case. It's statutory. And normally, in the better practice than the way we've done it for many years is to do them both at the same time so we don't have this kind of problem. So now what we have is a conflict between the decision and today's action which is to deny what is essentially a ministerial item that documents approving this action. So this hasn't been addressed by the courts and it's one of those gray areas that I can't really predict what a court would do with something like this but I'm troubled by it just as you are.

COMMISSIONER ANAYA: Mr. Chair.

CHAIR MAYFIELD: Commissioner Anaya.

COMMISSIONER ANAYA: So, Mr. Chair, and we've had this explanation before in prior Commissions, before Commissioner Chavez and even in prior years when I worked at the County years ago. This is an administrative function, so by voting no to the final order does not reverse the decision. Now, like I said before, it's my understanding from prior actions and Commission orders, if a Commissioner votes in favor of something and then determines they don't want to vote in favor of it anymore, they have to make a motion to reconsider the item. And that's the process.

So I just want to make sure we do it consistently and we don't put ourselves in any jeopardy of litigation because of procedure.

MR. ROSS: So, Mr. Chair, Commissioner Anaya, what we have here is a decision that is not documented because we have no final order, and state law requires that it be documented.

COMMISSIONER ANAYA: So, Mr. Chair, Mr. Ross, it happened and there was a vote, but a Commissioner could, if they voted in favor of something, ask for reconsideration. Correct? Even if it's a land use item?

MR. ROSS: Mr. Chair, Commissioner Anaya, yes, that's correct. In our rules of order we do provide for motions to reconsider.

COMMISSIONER CHAVEZ: Mr. Chair.

CHAIR MAYFIELD: Let me ask a quick question, Commissioner Chavez. Attorney Ross, so on the final action of approval on this case that was taken – let me ask it in a general statement. So once final action has been taken, and again, this is a finality. Right? So let's say after final action is taken there's a 3-2 vote, 5-0 vote, 4-1 vote, 4-0 vote because somebody wasn't here – what if a post-communication after that vote was taken happens? Would that be considered ex parte communication? Or – because I guess that vote could arguably be challenged later to an appellate court thereby prompting somebody to maybe have a change of heart on that vote, on that decision. Once that vote was taken and somebody has a discussion after, what would happen in that regard?

MR. ROSS: Mr. Chair, are you asking whether ex parte communications are –

CHAIR MAYFIELD: After you take a vote and approval on a case.

MR. ROSS: Are appropriate after the public hearing?

CHAIR MAYFIELD: Yes.

MR. ROSS: Is that what you're asking?

CHAIR MAYFIELD: After the vote, and that action was taken, approved or denied or however it went out.

MR. ROSS: I understand the question. What I don't know is the – I want to research the answer. My gut reaction is until there's a final action ex parte communication –

CHAIR MAYFIELD: Until this came to us today for final action there should still have been no discussion with any of the parties.

MR. ROSS: That's my gut reaction but I don't know. I'm going to have to research that and I will.

COMMISSIONER HOLIAN: Mr. Chair.

CHAIR MAYFIELD: Commissioner, I had Commissioner Chavez in the queue then. Thank you. Commissioner Chavez.

COMMISSIONER CHAVEZ: Well, I apologize and I did not factor in the option I would have to reconsider and I could have and I appreciate Commissioner Anaya's request. I have not spoke to anyone regarding this issue. My concern on this variance is that they are in contradiction to some of our land use code regarding density and issues like that, and so that's why I thought it would be appropriate to at least raise that question now to be sure that this is the pattern that we want to set because if we're going to be doing variances and you do a variance for one and not for someone else that sets another – set's up – could set up another dynamic that would not be favorable for the County, lawsuit in other words.

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So it's just a pattern of variances and I know that – I think the new Sustainable Land Development Code will deal with that but we're in a pattern of approving these variances and one that's coming back for reconsideration for conditions that we placed on them and so it goes back and forth and so that's why I was willing to support the motion on this point only because of the variance. But I do understand that it is a finding of fact. If we do want to go back to the discussion and revisit that maybe it would be appropriate to have to ask for reconsideration and go down that route but I overlooked that. Sorry. I do apologize but I'll just state that for the record and see where the discussion goes from here. Thank you, Mr. Chair.

CHAIR MAYFIELD: Thank you, Commissioner. Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. Mr. Chair, I just want to put it on the record that I did not speak to anybody about this case. It was only when I read the packet and I saw the final order I came to the conclusion that I could not in good conscience vote for the final order because I had not voted for the variance.

CHAIR MAYFIELD: And Commissioner Holian, I will say this also. I believe there have been final orders that or actions of this Commission that I haven't supported and I've asked to vote against the final order myself so I've done that in the past also, so I know that. I just was asking for a clarifying point so both you and Commissioner Chavez know this. If we've taken action at a meeting if we can ever engage in a discussion because [inaudible] we might still fly from applicants all the time and we can [inaudible] to vote that way or something and those can be pushed out to our attorney. So that was my point when I asked that question. Commissioner Chavez.

COMMISSIONER CHAVEZ: Yes, but so I have a question for Legal. The motion to reconsider, would that have to be done at the following meeting? What is the timeframe on motion to reconsider?

MR. ROSS: Mr. Chair, Commissioner Chavez, it's the following land use meeting. So if you had a land use meeting in December and then a motion to reconsider would be germane in January. I don't know when this one happened. This was November when this happened. It would have been germane on December but if you can get two votes you can suspend the rules for purposes of gaining a later reconsideration if you want to try that. Generally, these should – a motion to reconsideration should be noticed, so we should have it on the agenda, reconsideration of a case # V-12-5110.

COMMISSIONER CHAVEZ: Well, I just wanted to know just for clarification. I don't know that I'm ready to make a motion to reconsider right now but I think it's a good discussion to have so that maybe as we move forward maybe we don't end up in this situation again.

COMMISSIONER ANAYA: Mr. Chair.

CHAIR MAYFIELD: Commissioner Anaya please.

COMMISSIONER ANAYA: So – and I ask you Steve because you're our attorney. Any Commissioner on the bench, I've seen it for many years can at any time have a change of heart, okay, for whatever reason they feel they need to. What I don't want is for us to assume now that the action we just took now pre-empts all prior actions and that we take votes at land use meetings and that we could always have a second vote added at the final

order, because the intent of the final order is simply that, an administrative function basically restating what happened, is what it is. It's a restatement of what occurred.

And so it's not a matter of okay, we just move on to the next thing. We need some legal direction because the way I understand it is that you either have one or the other. You can't have a – you can't vote and say it's 3-2 and then change it on the final order. You either have to reconsider or table the final order. Is that an accurate statement? And that's no malice, right? I fully understand any one Commissioner wants to change their perspective or change what they feel and have a reconsideration. That's their prerogative. I just don't want us to get into graywater on final orders so that going forward Commissioners think, well, we or anyone else that, well, I didn't vote for – I voted for it last time but on the final order I'll change my perspective. That's not what Commissioner Chavez is doing. So we need some clear feedback from you as to what should happen with this case, one way or the other so we don't go down any more roads like this.

MR. ROSS: Mr. Chair, Commissioner Anaya, it's what I said a minute ago. I would characterize this action as the Commission failed to approve a final order in this case. I don't think that changes the underlying decision from November which was to approve the variance. We just don't have an order that we're required to have by state law. So it's not a situation as a lawyer that I find very comfortable. I also notice we have lawyers on the side of the applicant so they may not like this either.

COMMISSIONER ANAYA: Thank you, Mr. Chair.

CHAIR MAYFIELD: Yes, sir. Mr. Ross, again, and I hate to beat again on this. So also, in the future, on a final order, it's just I guess a recertification of a prior action this Commission has taken. A final order is never time-sensitive? Is there time certainty needed for a final order?

MR. ROSS: Mr. Chair, no, it's not. It has frequently taken a month or two to prepare the final order and that's why we see this many months after the action.

CHAIR MAYFIELD: That's fine. So again, if this Commission chose to deny it 5-0, it's still been approved so said applicant would do whatever was instructed in the actual approval at that time it was executed by this Commission, correct? If it was approved or denied, they can operate under – they don't need the final order to continue with what action is given to them at that meeting that night?

MR. ROSS: Well, Mr. Chair, I guess not, although I don't know what the applicant will think of this action so we just have to remain vigilant and see what their opinion of this is.

CHAIR MAYFIELD: Okay. Thank you. But I do have – I'm just going to ask to retake this vote on final order a.1. So we have a motion and a second to approve the final order and all those in favor please signify by saying aye.

COMMISSIONER STEFANICS: Mr. Chair, point of order.

CHAIR MAYFIELD: Yes, Commissioner Stefanics.

COMMISSIONER STEFANICS: I think if you want to retake the vote you might have to have a motion to reconsider the vote.

CHAIR MAYFIELD: Okay. Thank you for that, Commissioner Stefanics. I appreciate that.

COMMISSIONER STEFANICS: I know it's confusing.

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CHAIR MAYFIELD: Well, let me ask this. I'm going to ask Steve to help with this. Steve, where are we at right now? We had a denial of this final order.

MR. ROSS: Correct.

CHAIR MAYFIELD: So it's denied then?

MR. ROSS: Correct.

CHAIR MAYFIELD: Okay. So can we ask for reconsideration of this final order at this time?

MR. ROSS: Somebody in the majority – in other words the three persons who – the three members who voted against the order would have to make the motion.

CHAIR MAYFIELD: Okay.

MR. ROSS: It's true. You could have a motion of reconsideration, now or at a subsequent meeting.

CHAIR MAYFIELD: Well, then, this final order has been denied unless there is a motion for reconsideration of this final order.

COMMISSIONER ANAYA: Just, Mr. Chair.

CHAIR MAYFIELD: Vice Chairman Anaya.

COMMISSIONER ANAYA: Just for clarity. The final order denial does not deny the case we voted on.

CHAIR MAYFIELD: Yes. That's my understanding from our attorney, Mr. Ross. But I will ask this. Is there a motion at this time for reconsideration of this final order? Hearing none, we are moving on to b.i.

2. b. **Financial Actions**

i. **Request Authorization of the Use of District 3 Capital Funds, Per Capital Outlay Policy, Allocating \$4,900 for the Purchase of Furniture for the Sheriff's Office Staff at the County's Edgewood Fire Station**

COMMISSIONER ANAYA: I just want an opportunity to explain the \$4,900. Former Commissioner Anaya was approached as well as at the time, Chief Holden was approached by then Sheriff because of the length of travel from Santa Fe to Edgewood being an hour-plus, depending on the route you go, to have a place where they could, if they needed to interview individuals associated with crimes or potential crimes or just to rest for a moment or sign paperwork. They used to stop in and stay, stop by the former Edgewood fire station. When we were building the new station it was requested to have some space where they could do the same thing at the new station. These resources set up like a cubicle, basically, with some furniture and so that's what the intent and that's what the resources are, is for that cubicle and the new fire station to continue what they used to do in the old fire station. Thank you.

CHAIR MAYFIELD: Thank you, Commissioner Anaya. I think Commissioner Stefanics also asked for this to be pulled.

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COMMISSIONER STEFANICS: Yes, thank you, Mr. Chair. I'd like to ask the Sheriff's Department some questions. Thank you. Thank you very much for coming today and my question is really about does this constitute a substation?

RON MADRID (Undersheriff): Mr. Chair, Commissioner Stefanics, no, it is not a substation. I want to make that very clear that we are not manning it as a substation.

COMMISSIONER STEFANICS: Okay, well, Mr. Chair and Mr. Madrid, the reason I have this question is that several townhall meetings that I've attended in my district, not all over my district but in some areas, there's been interest in having a substation. And I understand that it's difficult to go from one end of the county to the other, from the far south to the far north. So I'm wondering, are there any plans or does the Sheriff have any positions about disseminating staff throughout the county like this?

UNDERSHERIFF MADRID: I know the Sheriff – we've talked several times about that. At this point I'm sure it's open for discussion but we have nothing in the planning right now for any substations.

COMMISSIONER STEFANICS: Okay. So Mr. Chair and Mr. Madrid, would you please take back to the Sheriff that there continues to be interest in having Sheriffs throughout the county and even if it's not a formal subdivision, maybe some stop-off places where they could rest or use as a temporary spot, but let them know that people are still very much interested in that. Thank you very much, Mr. Chair.

COMMISSIONER HOLIAN: Mr. Chair.

CHAIR MAYFIELD: Commissioner Holian.

COMMISSIONER HOLIAN: Thank you. I have some questions. So Mr. Undersheriff, are there any other fire stations in the county that have space for Sheriff's Office personnel?

UNDERSHERIFF MADRID: Mr. Chair, Commissioner Holian, I'm not sure. I guess that would be a question for the Chief. I'm not sure if they have any space right now. Right now this office, we're actually splitting it in half to be shared with an individual.

COMMISSIONER HOLIAN: Chief Sperling.

DAVE SPERLING (Fire Chief): Mr. Chair, Commissioner Holian, I guess that would have to be a request from the Sheriff specifically to what his needs might be, and then we could look at what space might be available.

COMMISSIONER HOLIAN: But are there any other fire stations that have space now available for the Sheriff's Office?

CHIEF SPERLING: No, we don't have any other kiosks or cubicles at the present time.

COMMISSIONER STEFANICS: And I'm just wondering if having personnel from the Sheriff's Office there, especially if the public comes in to talk to the personnel, would that interfere with the operation of the fire station in any way?

CHIEF SPERLING: Mr. Chair, Commissioner Holian, it depends on the location of the kiosk in the fire station. In regard to Edgewood specifically the space was programmed as a fire station for both volunteer and career firefighters. We were fortunate in this case that we have a larger administrative office space that we were able to share with the

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Sheriff's Office. Not all of our staffed fire stations have that capability, have that space available. So again it would be some possibility if the Sheriff were interested that we could move in that direction, but it would be limited to the space that we currently have available in our fire stations.

COMMISSIONER HOLIAN: Okay. Thank you, Chief. And I guess I also have a question as to what exactly would be the function of this particular office space.

UNDERSHERIFF MADRID: Mr. Chair, right now, due to the fact that Edgewood is 60 miles away, our deputies are assigned down there. They stay down there their whole shift. So if they have an individual, say, a victim of a domestic violence, and that individual has left their home and they want to speak to a deputy, they either speak to the deputy in the car, because they're far from the Sheriff's Office or they go to the Edgewood Police Department or we'll ask the Fire Department for a place for them to interview. So that's the purpose of it. It's just to interview individuals of crimes or victims or suspects.

COMMISSIONER STEFANICS: And my understanding is is that on the site of the old fire station the County still owns a couple of buildings on that site as well, so I'm wondering if any thought was given to using that space for the Sheriff's Office.

UNDERSHERIFF MADRID: We did think about that but the reason – we had been talking with them for quite a while about space in this building because it was secure and we knew that they were going to be moving out of the other building, but we hadn't really talked about it, the other building.

COMMISSIONER STEFANICS: Okay. Thank you. Thank you, Mr. Undersheriff. Thank you.

CHAIR MAYFIELD: Vice Chairman Anaya.

COMMISSIONER ANAYA: Mr. Chair, Undersheriff and Sheriff, I very much appreciate the work that you're doing throughout the county and the Sheriff as well and in regards to Commissioner Stefanics' comments and our concepts as a County and working together, I hope, Chief – you know the Sheriffs are out there constantly and in no way would they interfere with the functions of the Fire Department but in fact they may need to use the restroom or other facilities and I think in line with Commissioner Stefanics, whatever we can do. A community may want to work in coordination to provide space for our fire departments where we should make sure we do that and open those doors. It's a long ways throughout the entire county, not just in southern Santa Fe County and I think this demonstrates cooperation and continued work together. This didn't just come up in recent months; it's been going on for a long, long time with the prior Chief Holden and others. So I'm very appreciative. I think Commissioner Stefanics makes good points associated with other potential areas and I appreciate the fact that you might have some discussions with the Sheriff about there and other parts of the county.

CHAIR MAYFIELD: Undersheriff Madrid, also I just want to commend you and the Sheriff and the Sheriff's Department also with the cooperation with our Fire Chief. I think you all share a building right there on Highway 14. It's pretty convenient and accessible when somebody walks into that if they have fire needs, if they have Sheriff's needs. They just know that it's kind of a one-stop shop and I think that shows that we're one county and we work together and our resources work together. Hearing Commissioner Stefanics, even

myself, I would hope that you could work with the Chief and the volunteer department up in Pojoaque. If somebody didn't need to drive all the way into Highway 14 they could just maybe have something right there at the Pojoaque station too. I'm sure that there's a lot of space right there where they built that new building too. That's just my thoughts, if I can put in my thoughts. We have a vacant building down in Edgewood. To me it's practical that if we just need one office space why we would we want to do it in a huge vacant building versus having it right there in the Chief's and police presence in a fire department is not a bad thing either for the public to see that. So I just am grateful you all are doing it.

UNDERSHERIFF MADRID: I'm sure the Sheriff would be open to discussion.

CHAIR MAYFIELD: Thank you for your support. Very much so. Thank you for bringing it forward, Commissioner. Any other questions, Commissioners?

COMMISSIONER ANAYA: Mr. Chair.

CHAIR MAYFIELD: Commissioner Anaya.

COMMISSIONER ANAYA: Motion to approve.

CHAIR MAYFIELD: I will second that.

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

2. b. ii. **Request Authorization of the Use of District 4 and 5 Capital Funds, Per Capital Outlay Policy, Allocating \$80,000 for the Installation of a Utilities Trailer Located at the Public Works Facility**

CHAIR MAYFIELD: I believe Commissioner Anaya asked for that.

COMMISSIONER ANAYA: I was just curious, what is a utilities trailer? What does it do?

COMMISSIONER STEFANICS: Mr. Chair.

CHAIR MAYFIELD: Commissioner Stefanics.

COMMISSIONER STEFANICS: I would let Adam correct me but one of the things that happened is when I went to take a visit at the Quill plant, I believe, the facilities there I would imagine are really hard to work in. They have a great deal of sewage smell and proximity to their desks and their lunchroom. And this apparently – I had originally intended to try to help get something out there but what happened is there is a long-term renovation plan but in the meantime, I understand that people want to come to the Public Works facility for their lunches, their paperwork, but it's a chance to get away from the sewage. And I would be happy for Mr. Leigland to correct me if I'm wrong.

ADAM LEIGLAND (Public Works Director): Mr. Chair, Commissioner Stefanics, Commissioner Anaya –

COMMISSIONER ANAYA: Mr. Chair, respectfully, that's good for me. I was just curious as to what it was and it sounds like a good investment for employees and for their department. Thank you.

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CHAIR MAYFIELD: Do we have a motion for approval?

COMMISSIONER STEFANICS: I'll move for approval.

COMMISSIONER CHAVEZ: Second.

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

2. c. Resignations

**i. Resignation of Santa Fe County Health Policy and Planning
Commission Member Allan Bendorf**

CHAIR MAYFIELD: I asked for that to be removed. I just want to thank Mr. Bendorf for his service. I know he was a member – he was also a nurse practitioner, I believe. Come forward please. I just want to thank, while we're waiting for Patricia.

PATRICIA BOIES (Health Director): Good afternoon, Mr. Chair. He is a retired RN, so not a nurse practitioner. Allan Bendorf.

CHAIR MAYFIELD: An RN and he brought a side related to our needs with our armed services community out there, one thing that I've asked that we look into and look at for the needs of our armed services in our community, so he brought that perspective to our Health Policy and Planning Commission. I just want to thank him for his services. And currently we're also advertising for that.

MS. BOIES: Yes, with this resignation there is a current vacancy in District 1, your district, as well as several other districts and also a countywide. So we have been advertising for all those vacancies.

CHAIR MAYFIELD: Great. And I want to thank Allan for his service and commend him for all the great work he's done and you have a few minutes to solicit some applicants really quick, so you have an open mike. Please.

MS. BOIES: We are seeking applicants to the Santa Fe County Health Policy and Planning Commission. We have openings in just about every Commission district with the exception, I believe, of District 5, and also an opening for a countywide representative who could live anywhere within the county. So if anybody is interested, please get in touch. I'll give you my phone number; that's probably the easiest. I'm Patricia Boies and my phone number is 995-9538.

CHAIR MAYFIELD: Patricia, thank you so much for the great work you do. Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. I would also like to give my thanks to Mr. Bendorf. I wonder if we are going to send out a certificate of appreciation to him?

CHAIR MAYFIELD: Yes.

MS. BOIES: Mr. Chair, Commissioner Holian, it's my understanding that that is just a matter of course each time.

COMMISSIONER HOLIAN: Thank you.

CHAIR MAYFIELD: Commissioner Chavez.

COMMISSIONER CHAVEZ: I also want to thank Mr. Allan Bendorf for his service and it's unfortunate that he's not able to continue serving I think if situations were

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different he probably would. So I want to be sensitive to that. But moving forward, in addition to your broadcast now for the Health Policy and Planning Commission members, could you work with each of our constituent liaisons to be sure that we can have that in our newsletters?

MS. BOIES: When the announcement went out and the notice in the paper I believe it went to every single constituent liaison and I will follow up and have individual conversations with each liaison.

COMMISSIONER CHAVEZ: Yes, because I think – I know that I might try to update or my staff liaison may try to update our newsletter after this meeting so if there's any new information or if we can just send that message again I would like to do that.

MS. BOIES: I will definitely do that, Commissioner Chavez.

CHAIR MAYFIELD: And Commissioner, I'll bring this up under communications, but there is a great piece that I was fortunate enough to read in the paper this weekend. I'm sure I think it's important to all of us. I think this Health Policy Commission played a pretty pivotal role in that and the sole community provider funding. It's important that we have good representation from all of our districts and from the county so these folks do play a pivotal role in that. And I'll bring that up again with Manager Miller. Maybe she'll be bringing that up in her communications so that if anybody read that article, and she is president –

MS. BOIES: Mr. Chair, Judy Williams is the current chair of the Santa Fe County Health Policy and Planning Commission and yes, in Sunday's paper there was an op-ed with her name talking about the effects of the Human Services Department proposal on our local community based providers. The Santa Fe *New Mexican* –

CHAIR MAYFIELD: I'll just wait for Manager Miller's comments. But thank you so much and thank you for your work. So Commissioners, with that we have to vote to reluctantly accept the resignation. So with that, I'll move for approval of accepting Mr. Bendorf's resignation.

COMMISSIONER HOLIAN: Second.

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

2. d. **Resolutions**
 - i. **Resolution No. 2014-2, a Resolution Supporting Continued Funding of the Federal Payments in Lieu of Taxes Program by Sending a Letter to the Honorable Barbara Mikulski, Chair of the US Senate Committee on Appropriations**

MS. MILLER: Mr. Chair, Commissioners, I just wanted to give you a little bit of update. I'm sure you've received some emails relative to the issue from the New Mexico Association of Counties and the National Association of Counties. Close to 2,000 counties receive funding from the federal government as payment in lieu of taxes for the federal lands that are in their boundaries and we just found out this morning – so there's been a concerted effort – and there's no funding for it currently slated in the federal budget, and we just found out this morning that NACo actually issued an action alert on this issue because news media

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began reporting that Congress is about to deliver funding for the PILT program in the 2014 omnibus spending bill.

So counties have been putting forward these resolutions. We did electronically sign on. I wanted to make sure though that the Commission was aware of this issue. It amounts to \$600,000 to \$700,000 a year for Santa Fe County. It's millions of dollars nationwide and it does have an impact on our budget and we're working with the New Mexico Association on what we can do next. Our federal delegation has been very responsive on the issue but I did want to make sure that our County had the opportunity to pass the resolution as a Board and that we could continue to lobby on these efforts to get funding restored in the federal budget.

CHAIR MAYFIELD: Thank you. Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. I just have a question, Katherine. I've noticed that the PILT funds have gone down year by year since 2011. How come? Why is that?

MS. MILLER: Mr. Chair, Commissioner Stefanics, I don't know specifically other than they've been doing some cuts on the sequestration, things like that, so we ran into that issue last year and we were given notice that we would receive less. There's also a formula that determines it statewide so we don't – the state actually determines the allocation that we would receive and they do that based upon what the state's going to receive. So I'd have to look into that further as to what the exact issue is, but I do believe it's based on federal cuts to the program across the country.

COMMISSIONER HOLIAN: Thank you.

CHAIR MAYFIELD: Thank you, Commissioners.

COMMISSIONER HOLIAN: Mr. Chair, I move for approval of Resolution 2014-2.

COMMISSIONER STEFANICS: Second.

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

CHAIR MAYFIELD: I also want to thank as Manager Miller mentioned our local delegation. I did have letters from Senators Udall and Heinrich supporting this action, so thank them please. Vice Chairman Anaya please.

COMMISSIONER ANAYA: Mr. Chair, I appreciate the update on the previous item but I also would ask Commissioner Stefanics, aren't you on the National NACo board now? And you just got back from a meeting that talked about many of these issues, I believe.

COMMISSIONER STEFANICS: Thank you, Commissioner Anaya, Mr. Chair. I actually was in Des Moines, Iowa where it was below zero for a few days in December, so it was not extremely pleasant walking weather. But the community was extremely welcoming to the NACo board and in fact the first lead-in meeting was on – and it's going to skip my mind now – so when you're hit with a flood or a – not natural disasters but it was on us being versatile and being able to respond quickly and to utilize federal resources. That was the lead-in to the NACo board business meeting. It was a day-long, two

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half-day meetings on the natural disasters. They have a follow-up that is open to anyone, not just the board, in San Francisco in May and the entire idea is to become comfortable with all the federal agencies that can help and how a community pulls together in times of natural disaster. So that was the focus of the December meeting.

COMMISSIONER ANAYA: Thank you, Mr. Chair, Commissioner Stefanics.

CHAIR MAYFIELD: Commissioner Stefanics, thank you.

4. **MATTERS OF PUBLIC CONCERN**

CHAIR MAYFIELD: Do we have anybody from the public here wishing to express any matters? Seeing none, we are going to move on.

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5. a. ii. **Non-Action Items by Commission District Such as Constituent Concerns, Commissioner Recognitions, Requests for Updates or Future Presentations**

COMMISSIONER ANAYA: We are going back to Presentation and Discussion items. Thank you all again for recognition of the 2013 recipients of the Santa Fe *New Mexican's* Ten Who Made a Difference Award. Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. I first of all would like to wish a Happy New Year to all the Commissioners, to our staff and to the public, even though it's the middle of the month. I know we're all just coming out of the holiday spirit. The updates that I would like to see coming up soon would be the one on the senior center on Highway 14, Ms. Miller, and the second update would be on the Canyon Ranch and what might be happening with that. And I'm not asking for anything today but I would like to see them put on the agenda in the future. Thank you.

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

COMMISSIONER HOLIAN: Thank you, Mr. Chair. I would also like to wish everybody a Happy New Year and I would also note that according to the Chinese calendar that this is the year of the horse, so I regard that as a good sign. Last year was the year of the snake I will point out.

I would also like to take this opportunity to thank all those who worked so hard last year to make the new Land Development Code a reality. I really would like to thank Katherine, our County Manager for making it a priority. I would like to thank Steve Ross and Penny Ellis-Green and Robert Griego for drafting and redrafting the code so many versions of it, and I would like to thank all of the other staff who worked on it and lent their expertise and had endless meetings with the public to take input on the code and really tried to work in suggestions from the public wherever it made sense to do so. And I would also like to really thank the public for participating in the process. I was really pleased to see how many people were here for not only the December 10th meeting, the meeting at which we voted on it, but also all the other public hearings that we had, and I would like to thank the public for all the emails that they sent in and comments and I think that all that participation really made it a good code.

I think that this is the perfect example of the adage, it takes a village. Only in this case I guess you could reword it to say it takes a community.

I am really pleased that the code is going forward. I think we're really going to have a professional land use code now. It has real zoning in it. It has growth management in it, which is going to save taxpayers money in the long run. Also it has strict design standards in it that are really going to help preserve the character of our community, and also I think another really positive thing about it is it is an organized code. It is replacing our previous land use code and the numerous ordinances and amendments to ordinance and amendments to amendments that we had in the past. So I think this is a huge accomplishment to the County and again, I want to thank staff and I want to thank the public.

CHAIR MAYFIELD: Thank you, Commissioner Holian. Vice Chairman Anaya, please.

COMMISSIONER ANAYA: Thank you, Mr. Chair. I want to congratulate you on starting your first meeting and you're doing good, Mr. Chair. Good work and I know that we're all here to help it be productive a year as it can be for you as chair. Happy New Year as well to everyone here and listening in and to the Commission. I too would like to get some follow-up on the senior center and look forward to that update on 14. One thing that I know that the chair has already brought up is some of the increased communications we might have with some of our partnering agencies and based on some of the recent communications with staff I think it's important that the Manager work closely with the chair and I'd like to participate if I can and other Commissioners as well in discussions specifically with NMDOT.

We have some issues dealing with our northeast-southeast connector in Commissioner Stefanics' district as well as other issues in other districts. I know I have one off of 14 on General Goodwin Road and I think we need to work together to reopen some of those doors that in some ways are partially closed and I think we can all work together and communicate to help our staff and our projects move down the road. So I look forward to that with the chair and the entire Commission.

The last thing I see, I'll pre-empt a little bit of what Ms. Miller might say in a few minutes but I want to welcome back Tony Flores to the County. He's an individual that I had the privilege of working with with Katherine some time back, a productive individual that has the interest of the citizens and the staff and everybody involved to accomplish tasks so welcome back to him. I know Katherine will probably elaborate on that. But thank you, Mr. Chair. I look forward to the coming year.

CHAIR MAYFIELD: Thank you, Mr. Vice Chairman. Commissioner Chavez.

COMMISSIONER CHAVEZ: Thank you, Mr. Chair. I want to expand on some of the comments that Commissioner Holian made regarding the accomplishment of getting the Land Development Code passed. I know I came in at the tail end so it was a little bit easier for me because all the work had already been done. But it's very important work, work that needed to be done and I hope that in the future if the Land Development Code is as tight and comprehensive as it is at this time we can always make it better and I hope that it will diminish the need for variances, because that has caused a lot of problems, not only between ourselves but between neighbors. So I think that will be one thing, I hope, that will be a little bit better.

And then the other thing I do want to say, I don't think it's too late to say Happy New Year to my colleagues, to County staff and to county residents. It's still early enough in the year. We have a lot of challenges facing us but I hope that working together, working as a team, working with staff and the community that we can meet those challenges and be successful in our future. So I look forward to a good year. Thanks to all of you.

CHAIR MAYFIELD: Vice Chairman Anaya.

COMMISSIONER ANAYA: Mr. Chair, I think just following suit with all of the comments I would want to add an additional comment that all of us I believe – I know the chair has had discussions and I know Commissioner Chavez has had discussions and probably Commissioners Stefanics and Holian as well with the City and our other jurisdictions on how this transition with annexation will work and how we will work through some of the parks and other issues and so I'm excited about that, that we're continuing that

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dialogue, not just with the City of Santa Fe but the Town of Edgewood and the City of Espanola and our other partners in the region.

CHAIR MAYFIELD: Thank you, Commissioners. Commissioners, I just want to thank you and Commissioner Holian, all the Commissioners for the past year. I think it was a great year, the past year and I look forward to a great continuing year this year. And again, I just want to wish staff and our residents out there a Happy New Year. I look forward to working with the Commission in an area of positive direction. I also want to thank you Clerk Salazar and all of our elected officials for a very positive year as we move forward.

On a somber note, I had to bring this up because it came across my desk. I guess this morning there was a shooting at a New Mexico school down in Roswell. So I just think we need to be very cognizant of that, that does still happen. It seems to be happening more and more each day, so we just have to be very aware of what's going on in our surroundings and kind of just watch out for each other and when you see something that doesn't look right just take notice of that.

Commissioners, I attended a meeting – I've attended many meetings this year already, but one last Friday, North Central New Mexico Economic Development District meeting, and on that, that's chaired by Representative Nick Salazar. So a lot of issues came up by the Municipal League and also by the Association of Counties regarding hold-harmless, regarding – they started talking about different tax issues. One in particular I think that's near and dear to our hearts is the sole community provider funding. I believe now there is at least a mock-up of a draft bill out there. I spoke in some detail on it with our Manager Miller. I just want to thank her for being on top of that. I know as far as I'm concerned she's probably the biggest expert out there right now at least in the state and hopefully they take a lot of guidance from her on that. And I will also give a lot of credit to Commissioner Stefanics on that because she's very knowledgeable with this issue also. So hopefully we look at that and there's a letter, I believe, drafted already from the County of Farmington also that's out there as it impacts other Class A counties.

So we do have a session coming upon us. Katherine, I think you're going to maybe have that on your report so I won't bring that up. It was broached by Manager Miller and I think Commissioner Stefanics, Santa Fe County will be having representation at the NACo meeting coming up I believe at the end of February, beginning of March. I do attend that meeting in one of my capacities but also in a couple of capacities. But I think it's also an opportunity for us to have a good agenda together for our meeting in Santa Fe County when we approach our national delegation and if it's myself out there, Commissioner Stefanics, any other Commissioners that do go, that we have our agenda together and we talk to our national delegation. I think Manager Miller may be even going this year out there. We can get on the schedules if we need to meet with any committees out there at that time we can set that up. But we let them know, if it's PILT funding or any other issues we're looking at impacting Santa Fe County, that's something that we need to do, the impacts that it's having. I know you're very well aware but they have a lot of needs pulling on them and various groups pulling on them. I think it's just important that they see us and we just keep on them. I don't mean keep on them in a negative way but just keep bringing to their attention what's impacting us at Santa Fe County as this community is very important to them also.

I just want to thank staff again for all the fine work you do for us and I look forward to working with each and every one of you. I especially

5. b. Matters From the County Manager

CHAIR MAYFIELD: I especially want to thank the listening audience and my Commissioners for their patience with me today on my first meeting. So thank you, Commissioners. With that I don't think we have anything else from communications from the Commissioners but we definitely – and Commissioner Holian, thank you too for keeping my on my toes today. I really appreciate it.

MS. MILLER: Mr. Chair, Commissioners, a couple things. As Commissioner Anaya said, I did want to introduce or reintroduce Tony Flores. Tony Flores comes to us from DPS, Public Safety but he has worked at the County before. He was at the time we had a Projects and Facilities Management Department. He was the department director. He's also been our Procurement Manager before and he just started on Monday as an assistant manager in the Manager's Office. He's going to be working on projects and planning and also our legislative initiatives. He's already hit the ground running and has a bunch of stuff organized for you. And then Eric, as you know, has also been in the Manager's Office and he's going to stay as assistant manager working on administrative functions. So the two will be working as a team to make sure that we get all of the things done that you have set forward as priorities for the County.

5. b. i. Legislative Update

MS. MILLER: With that I want to move on to the legislative update. A couple of things have been mentioned. One of them was the sole community provider funding as we've discussed before the sole community provider program, which is predominantly the hospital funding for indigent persons who are unable to pay their hospital bills no longer exists at the state level. Therefore our hospitals no longer receive – we did not send a match to the state and have it matched with federal dollars and have it distributed by the state to hospitals. That stopped as of December 31st. So the HSD has proposed taking the equivalent of 1.8 of counties' GRT and funding a new program which is an uncompensated care pool and a base rate increase for Medicaid inpatient services at the hospitals. They cannot do it with their own funding. LFC did put a proposal in their budget to put in the \$2 million that's needed. They need \$36 million from the counties which is the equivalent of about an 1/8 of a percentage GRT from all of the counties except Bernalillo. Bernalillo is not included in their proposal and UNMH actually would be providing \$14 million through their governmental gross receipts tax, so that \$14 million plus counties \$36 million and \$10 from the state is what they need in order to fund the proposed program.

They are still moving forward with that in spite of the Association of Counties and individuals counties rather adamantly protesting an eighth because many counties actually use a good portion of their second 1/8 indigent funding for other indigent programs and community providers, healthcare providers as we do. We use about 1/16 for indigent care through other community providers and about 1/16 for the sole community provider program

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for the last three years is how we've been funding that program.

So yesterday I attended a meeting with kind of the working group between HSD, the hospitals, the Legislative Finance individuals. They actually had some of the bill drafters there and HSD staff and the Association of Counties and they provided a copy of their proposed bill rewrite. The problem with it was that if they're going to take an eighth they still have the requirement that counties shall provide the other services besides the sole community provider funding, which means ambulance services claims and other indigent claims. We said that some of our comments back were, number one, you need to determine whether – they also said it's an equivalent 1/8 but they keep talking about the second 1/8. It really does depend on a county and when they enacted an optional GRT, a local option GRT, as to whether it is a pre-hold-harmless or a post-hold-harmless. So there's some real technical issues with the bill and they discussed those, but fundamentally we still said we disagree with taking an eighth and that is they still have in their proposal an eighth.

There is a Senate Finance Committee hearing on Thursday afternoon on this issue. I did indicate to you Steve Kopelman of the Association of Counties – I will be happy to sit with him ahead of time as well as at the table at the committee hearing to discuss the issues with the Senate Finance on what the problems are for counties with the proposed legislation. In addition, they constantly say we have not proposed anything back. We have proposed things back. They are just not things that the administration chooses to see as an option. So we're still at that impasse of an eight.

I think one thing that has been put forward is a sixteenth would be more palatable from counties and they might not get the pushback from all of the counties if they would go with a sixteenth. Their concern is that would – if the sixteenth were just put forward to cover the rate increase that all of the small hospitals would really be financially strapped not getting funding for the uncompensated care because that is about \$68, \$69 million of the total \$190 million or so that's available between – of federal funding with a local match and federal funding.

So that's the status of that. I do know that the Association of Counties still has not taken any formal action on a different proposal and they will be discussing that at the executive committee meeting on January 21st in the morning and it will probably also come up in the afternoon at the general annual membership meeting which I think is at 2:00. Two to five at the Association of Counties Winter Conference. So this will be a subject of discussion at the Association of Counties annual conference.

Also –

COMMISSIONER CHAVEZ: Mr. Chair, Manager Miller, could I ask a question related to the funding scenario? It was presented to us that the hospitals that had more than 200 beds actually would receive inadequate funding. Is that still part of the discussion? Is it still based on the number of beds or is it based on the service need?

MS. MILLER: Mr. Chair, Commissioner Chavez, the actual Centennial Care program that's been approved by CMS, the federal government is that there are two components and that's the uncompensated care pool and that is only available to hospitals with less than 200 beds. So that means St. Vincent's is not eligible for any of that funding, and the only way that they would get any compensation out of the proposed program is through the second piece of the Centennial Care that was approved and that is the base rate

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increase to the Medicaid rates for inpatient services. So they only have access to the one pool of funds and the real problem with this proposal is that it doesn't take into account the local governing bodies' wishes for how they would like their local funds to be distributed. It actually takes it to the state level and it gets redistributed on the state formula and a claims basis.

COMMISSIONER CHAVEZ: So is our community hospital the only hospital that's affected to that extent?

MS. MILLER: Mr. Chair, Commissioner Chavez, no. San Juan County also and one of Doña Ana County's hospitals will not receive any of the funding, and UNM out of the uncompensated care pool. But they made a cutoff based upon – they said there's a maximum amount of funding that can go to that program and their concern at the state level was if they had the hospital that were over 200 beds it would basically dilute that funding to the degree that it would not help the smaller hospitals. And they said the larger hospitals benefit from the rate increase. So their way of evening it out is that there's more patients in the larger hospitals, therefore they'll get more from the base rate increase.

So they're tied together. That part is not what's at issue as far as what would go in front of the legislature. That program is an agency program that's presented to the federal government and is approved by the federal government. So that one, that's what they're saying – this is all we have to work with. Now we have to figure out how to fund it. So what they're putting in front of the New Mexico State Legislature is how to fund it. And the concern is that if nothing happens, if counties fight it too much and the state doesn't give on their proposal is that then everybody loses out on those federal dollars.

COMMISSIONER CHAVEZ: So that's the funding gap that you talked about earlier. What was that dollar amount? Did you say?

MS. MILLER: The total program is about – I don't have the spreadsheet in front of me, but about \$195 million, and to fund that \$195 million requires, let's see, about \$59 million from the state of New Mexico to pull in the other \$120 or \$130 million from federal government. And what they don't have at the state level is that \$59 million. And they're proposing to get it in three ways. The three ways are \$10 million from the state, \$14 million from UNMH, and \$36 million from the counties by taking one-eighth of a percentage of their gross receipts tax revenues of all counties except Bernalillo, because they're going to take it from the hospital.

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

CHAIR MAYFIELD: Yes, Commissioners. Anything else?

MS. MILLER: So that's where we are on that issue. The other item that I wanted to discuss with you, and Tony's been working with Public Work staff and with the legislative team – Hvtce, Lisa and Rudy – on putting together a more specific request to our legislators for capital outlay as opposed to just handing our top five countywide list to the legislators because they think that they are going to be relatively limited in the amount of funds that they will have for capital outlay on an individual basis. And they're also – they informed us when we had our legislative dinner on December 11th, they said that the Governor has pretty much sent the message clearly to them and also our staff has attended a meeting with Governor Martinez that water, water quality and water safety are big issues in her agenda for capital outlay. She's indicated that she wants 60 percent of the capital budget

to go towards water projects. So they requested that we put forward projects that are high on our priority and viable projects that are on our ICIP.

So what we tried to do is go through our ICIP. Go by legislative district and Commission district, and look at our countywide projects, our Commission district priorities, and water projects that we believe we can move forward if we get funding from the legislature. What we'd like you to do is look through this list and give us some ideas if we have not included ones that you want or if there are ones that are included that you don't think should be on there, because we'd like to send them specific letters individually.

COMMISSIONER STEFANICS: Mr. Chair.

CHAIR MAYFIELD: Commissioner Stefanics.

COMMISSIONER STEFANICS: I just noticed that we have some items down for Representative Egolf for Eldorado. He no longer covers Eldorado. And I also was just informed in a meeting today that the northeast-southeast connector was going to need a few more million dollars. That certainly could – I think that might be Representative Egolf's area. It's also Senator Griego's, the Community College. So we might look at taking what Adam, Mark, Robert, indicated to me and sticking something in there on that. Because we're going to start a project and not be able to finish it. Thank you.

CHAIR MAYFIELD: Katherine, real quick also. And I stand to be corrected, but I believe some of our legislators have been having their own – I won't say ICIP but their CIPs out there. As a matter of fact I learned just the other day for lunch I was at a rosary service last night but they said that there was a meeting last night talking about some CIP funds. So I don't know if we've contacted some of our local legislators. I can do that myself. I just kind of think what their thoughts are also in their perspective districts.

MS. MILLER: Mr. Chair, Commissioners, we have – we've reached out to some of them if they know of anything. One of the problems is it's the chicken and the egg or the cart before the horse. If they don't let us know about some of those priorities prior to September 30th when we submit our ICIP and they're not on there, they are likely to get vetoed because the Governor has indicated if it's not on your ICIP, it's not likely to stay. But we have worked with them. Like last year we had a couple that came up. Unfortunately a couple of them did get vetoes. I think one made it through that was not on our ICIP, but we really do try to work with them to make sure that as we go through the year we know what their priorities are and try to get them into our ICIP and into our planning process so that we're in tandem when we put this list together that it's something that, number one, they're aware of, something that they are interested in funding and something that we can actually move forward.

One of the problems is getting funding for something we can't do because it's either private or a non-profit property, things like that. So we really do work with them individually when those items come up, but what we're trying to do with this list is not really guess what they might want add to it but put in what we have on our ICIP that we are either currently have funding for and need additional funding, or that we're trying to move up the list on our ICIP, as funded.

CHAIR MAYFIELD: And I'm going to go back to also at the North Central Economic Development there was also talk that there might be a bill dropped of forming another capital outlay committee again. [inaudible] And Manager Miller, I know the

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Governor and I think Mr. Leigland went to a meeting as far as the Governor talking about water projects, but even on that note and speaking for my own part of Santa Fe County, they have a lot of acequias and with water projects but how the ICIP process works for them – if we could work in conjunction with our local soil and conservation districts, maybe – and I know, I don't want to say it's cumbersome but I think if we all communicate together, so if we kind of go after that same pie instead approaching it separately, if that make sense and however we could do that outreach, I think that would be beneficial to all of us and I think our local delegations would appreciate that too.

MS. MILLER: Mr. Chair, what we do for instance on some of them – it depends on the size of the entity and the type of entity they are – certain appropriations they will be – let's just take Eldorado Water Association. Quite often they will get their – even though they're within Santa Fe County, if they get an appropriation, if it's not something specific to us that we own, they will get the appropriation directly. It will go to, say, the New Mexico Environment Department and then they'll write the grant to them directly, not to us.

It depends on the entity and whether they can actually act as a fiscal agent or not. Sometimes we have to on behalf of the entity if they aren't a fully structured entity that has audits and stuff like that. And we do work with them, if they're a smaller mutual domestic or soil and water, we'll work with them to be the pass-through or the grant administrator. Also, I wanted to note that what we try to do as well is show you where there's a legislator all in Santa Fe County or not because we kind of heard figures along the lines of – and this isn't gospel; it's just a number that's floating around – about \$800,000 for Senators and \$300,000 for Representatives, so you can imagine if a Representative is covering four counties there's not going to be a lot there for any one county. So we're trying to be respectful of the fact that they may have multiple counties that they're trying to work with on their capital outlay but make sure that we have a good variety of requests in to them that they could fund at a \$50,000 or \$100,000 level, not \$4 million or something like that.

COMMISSIONER STEFANICS: Mr. Chair.

CHAIR MAYFIELD: Yes, Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you. I understand that, well, in the past, the capital projects had to be for an entity that had a filed or approved audit in place, and it came to my attention that the BDD has to replace some of the water gauges, but they don't have current fiscal audits for 12 or 13. So I'm wondering if the County could receive – and I don't know if this would fly – whether the County could be the recipient of funds for one of those gauges or whether, since BDD is its own separate entity whether that would have to be separate. But I don't believe they were on our ICIP list so I don't know that it would even qualify to be considered. But those are the small amounts.

MS. MILLER: Mr. Chair, Commissioner Stefanics, the City – what we need to do is check and see what the City – I'm hoping that the City – I think they're current on their audits and that they act as their fiscal agent so I think that I should get in touch with them and make sure that it's on their list, part of the City's.

COMMISSIONER STEFANICS: That would be fine. If it was on the City's list that would be great. But it just came to my attention this week.

MS. MILLER: Thank you.

CHAIR MAYFIELD: Commissioner Chavez, I'm sorry. You had some

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questions.

COMMISSIONER CHAVEZ: No, that's fine. I just first want to ask staff, we have one version of what I think is this list in our packet, just not color-coded, but it's the same list?

TONY FLORES (County Manager's Office): Mr. Chair, Commissioner Chavez, the list that's provided in the packet is a general overview of the project. It had no specificity about the dollar amount or the request. What we attempted to do yesterday when I came on board was take the project and drill it down and look at the applicability of the project, if it was already on the list, what the dollar amounts were of the project that were needed, basically gaps and needs analysis for all intents and purposes, and then drill it down to an ask or a baseline draft ask of each one of the legislators.

So the list in the packet is very similar to this list. There are some additional items on there based on the discussion of the water project issue with the Governor but it is very similar to what's in the packet.

COMMISSIONER CHAVEZ: Okay, so I think I'm going to refer to the one that you passed out or distributed more recently [*Exhibit 3*]. It's color-coded. It seems to have the same projects. It identifies the specific district that the Representative is in as an example, Representative Trujillo, District 45 and so I think that's good information. The color-coding – pink highlight indicates countywide project; green indicates facilities project and blue highlight indicates water project. So that's good.

I want to commend staff and thank our Santa Fe delegation, especially Senator Rodriguez and Representative Varela in one area. It's a project. It's the placement of a lift station for Vista Aurora sewer system. Vista Aurora is about 40, maybe 45-unit subdivision off of Rufina. It was approved many years ago, approved with grinder pumps that are failing and it would be nice to replace these grinder pumps and have a gravity-fed system for that subdivision. So I really do appreciate that.

We have construction and completion of Romero Park, upgrade of Santa Fe Fairgrounds and solarizing fire stations. So it seems that Senator Rodriguez and Representative Varela and Representative Trujillo are working in tandem on some of those projects, especially the solarizing of the fire stations. So I want to just highlight those projects that are on the list.

But if I could I would like to maybe add a couple of other projects for consideration. One would be converting low-water crossings, and I've had some conversations with staff on this and I think they'll be able to help either remove any confusion that I may have and give you direction that may be different than what I'm suggesting now, but I just want to bring them up for discussion so that you're familiar with them. We have in the Coyote Ridge are, we have some low-water crossings that have been approved through GO bond to be improved only as low-water crossings and I would like to see if we could upgrade those and do all-weather crossings as much as possible, so that we don't have the situation where we have people trapped in their homes or emergency vehicles cannot get to them. Coyote Ridge presents some challenges but I think if we're creative in how we approach that I think that we can hopefully use our GO bond as matching funds to go to the legislature to do the upgrade.

Then we have – Commissioner Anaya and I just this afternoon met with County staff and with Councilor Dominguez. Councilor Rivera was also invited to the meeting but was

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not able to attend. We have a 20-acre open space park, well, open space in the southwest sector. It's now called the South Meadows Park. It's 20 acres. It was purchased with COLTPAC money. The County has invested – Commissioner Anaya, more than a million dollars?

COMMISSIONER ANAYA: \$1.2 million.

COMMISSIONER CHAVEZ: \$1.2 million just for the acquisition, for remediation and for design. We would like to go to construction on that project but we need help from the City and I think we're going to need some help from our state legislators if possible.

And then there's another smaller project. I'm not sure where this is going to fit in, but there's 2.5 miles of Calle Nopal that is slated for chip sealing but I'm hoping that we could do paving instead so that it matches the rest of the surface. Paseo Nopal turns into Calle Nopal and when it crosses from the city to the county line it changes from pavement to chip sealing. So that would be another upgrade.

I don't know if any of these are appropriate for legislative requests. I'll refer to staff. If staff has another way to fund these projects then that's okay too. I just want to present these so that we have as many options as possible for funding these projects.

MR. FLORES: Mr. Chair, Commissioner Chavez, I actually – we actually had discussion on two of these items yesterday. When I was at the County earlier running these capital projects we didn't have the opportunities that the County has today so I think the County's in a much better situation to leverage our existing funding sources, identify the gaps and then seek grants or capital outlay to fill that. So we will take a look at that. I'll work with the Public Works Department and the Projects Division to see what avenue is best suited for this and then report back on what we decide to recommend.

COMMISSIONER CHAVEZ: Thank you. And Mr. Chair, if I could. In the discussions that we had regarding the South Meadows Park, even though the County has invested a lot at the front end in acquisition and planning, the project has been fully vetted through the community, through the school community. There's a lot of educational components to this South Meadows Park that the school was interested in and we're all limited with the funds that we have but we need to partner to secure new money. And if there's any way that we can partner with the school board to approach the legislature jointly so that we can fill the gaps I think that would go a long way, and so I think we're moving in that direction but I just wanted to let you know that that was part of the discussion that we had this afternoon.

MR. FLORES: Thank you, Commissioner.

CHAIR MAYFIELD: Commissioner Chavez, I appreciate the points you're bringing up, and I guess – and I'll support you in all your efforts and endeavors, but I think like when you talk low-water crossings we now have money in District 1 that I've been trying to address and I think many former Commissioners have been trying to address also. And this is just how I want to engage this on this bench because I respect all of our districts. Staff has limited time across the street at that legislature also and us collectively as Commissioners and I think even our delegation individually, collectively and I think that's a commitment we all need to make also because I can work with the Manager's Office, with Mr. Flores and all of our other staff and I'm not saying they're going to get mixed signals but they say, well,

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Commissioner from District 1 has this project and Commissioner from District 2 has this project and how do we approach what legislature and which project's going to get more of that emphasis. We've taken a direction on this Commission to list our five priorities but if we each have individual projects that we want to go and engage with our delegation on, some of us have I guess overlapping representation; some of us don't, but staff if going to say, well, which Commissioner is pulling which way to do what? And then whichever Commissioner is over there doing whatever they're doing, some of us may spend more time over there than others and that's okay. But I guess that's kind of the quandary I'm at. Where is staff going to be pulled in which way to do what for who?

And I just think that's something that we have to figure out here in unison with our Manager because I tell you what – I have a lot of projects up north and I respect the four of you that you all have a lot of projects in your districts that need attention too. And if we're having staff meetings with staff time and I just want to know that we're figuring that out internally too. And I want to support you on your projects. I want you to know that.
Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, Mr. Flores and Ms. Miller, in looking at the list there's a couple of statements I want to make on the record because I want to make sure that we don't raise any conflicts between what legislators are trying to achieve and always if we can get in sync with them. So in La Cienega, I think I want to say on the record that some of the legislators, Representative Trujillo, Stephanie Garcia Richard and Senator Griego have all talked about and funded help at the community center, but they also have an interest in a senior center. And there's been some discussions about a brand new senior center that they have been advocating for. What I have said to them is I want to work with them and there might be a way for us to achieve senior center functions within our community center and now the library expansion that we just approved. But I don't want to pre-empt what their desires are.

So we just need to probably have a meeting with all three of them at the same time if we can here before the session to make sure that they know that myself or staff is not trying to dictate what their priority is. If it's possible it might make a whole lot of sense for us to focus on the community center and the library for some senior services because we have the commercial kitchen in place and some of the facilities, but I do want to say that they have talked about advocating for a brand new facility. Brian Egolf was even engaged in part of those discussions as well. So just that point of information and maybe caution in how we might write these things down and present them.

The other thing I would add is that there's been discussions with legislators on the south side. I think it would be Representative Trujillo and maybe Senator Rodriguez. Commissioner Chavez, you might know better than I – Tierra Contenta to Cerrillos Road, is that Senator Rodriguez and Representative Trujillo? In relation to youth facility funding and we need to have that discussion with them to see if that's part of their interest as well, without being site-specific because we've talked about potential locations that might be in Commissioner Chavez' district on the north side of Airport Road or potentially on the south side of Airport Road.

But other than that I think it's a good tool to build from and that we have a mechanism that we can improve upon. So thank you for the information and the work.

CHAIR MAYFIELD: Thank you, Commissioner. Commissioner Chavez.

COMMISSIONER CHAVEZ: Yes, Commissioner Mayfield, I know that your district has a lot of challenges regarding low-water crossings and we've all dealt with that, especially this last summer when we were unfortunate to have those storm events. I only brought the low-water crossings in Coyote Ridge forward now for discussion because they're partially funded through our GO bond and that's good. We're going to be making improvements, but I just thought that with that GO bond funding and the fact that it's already – the project is already in place, would it be beneficial to ask for an upgrade so that we can convert from low-water to all-weather crossings, at least in this area and then do it countywide as we can find the money. Because I think that it's good that we can make the improvements on the low-water crossings but the maintenance on those low-water crossings is very expensive. We're going to be replacing those periodically. If we do a better job on the all-weather crossings hopefully maintenance will be less and those structures will last much longer and give us a better safety factor. And so hopefully we can start here and then go countywide with all of these low-water crossings.

CHAIR MAYFIELD: Commissioner Chavez, I hear you and if you have the time I would love to take you for a ride through District.

COMMISSIONER CHAVEZ: No, I've been there. I know what you're dealing with but I wanted to start here because we have the GO bond funding in place.

CHAIR MAYFIELD: Commissioner Chavez, I don't want to get in this debate with you, and I'm glad we've restored the Santa Fe River and continue to restore the Santa Fe River and I appreciate that. But I tell you, Mr. Leigland and myself we were at a meeting yesterday with folks. They're saying, what about the Tesuque River? What about the Santa Cruz River? What about the Pojoaque River? Everybody is asking about every other river too. So everybody is asking about why is it always just Santa Fe? Never anything else in Santa Fe County? And I hear that from my constituency and I will represent my constituency and I want to support what you need. I mean that wholeheartedly in totality. But I also need to represent the district I represent.

COMMISSIONER CHAVEZ: I know and I'm not going to slight you for that and I am more than willing to go to bat with you and your constituents to fill the need that you have there but I can't ignore this in the meantime.

CHAIR MAYFIELD: Sure. I hear you, and I want to be there and I think that's the way we just need to do it collectively. But thank you.

MR. FLORES: Mr. Chair, with that we'll close on the draft we have provided and we'll be providing weekly updates. Our plan is to work through the Commission and then get ready to discuss those opportunities with our delegation. As Commissioner Anaya suggested, it's always been my practice to get them as much as possible in the same room if we're having similar needs in their districts that overlap and see what they are looking for.

I would like to say that part of this restructuring of this in the future, the gaps in this analysis is very important to push our ICIP because of existing funding sources and we are in a better position today than when I ran capital outlay seven years ago, so I think that's a benefit to Santa Fe County. With that, Mr. Chair, I'll stand for any questions.

CHAIR MAYFIELD: Thank you, Mr. Flores for the report. Commissioners, I think we've had it here. Real quick, Manager Miller, one thing I wanted to ask based on your

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prior report. I know the Commission asked if you agree with all the Class A counties, if that discussion would happen regarding sole community provider funding. What's the status on that? And other topics, just, Commissioner Anaya, if you could elaborate on that a little more.

MS. MILLER: Mr. Chair, Commissioners, actually, on this whole sole community provider issue there have been quite a bit of discussions with the Class A counties. As I said, Bernalillo is completely out of that discussion because they're not a part of the program. They came to one of the meetings but it doesn't affect them so they're not that involved in it but I have been meeting with Doña Ana County, San Juan, Lea County rather consistently on this. Unfortunately, we're all kind of in a different place because each county uses their funds differently. Each county has a different type of hospital. So on that issue, yes, we have been talking.

We also have – we're doing an additional meeting with the Association of Counties, the Managers Affiliate even afterward. We have a regular affiliate meeting on Wednesday afternoon after the opening session and Thursday morning but many of the managers are staying to do an additional meeting on Thursday afternoon on some of these other issues that are coming up. Quite a few of them are. We do a monthly conference call as well with the managers and it just, really some of the issues are specific to the county and some of them are specific to the way a county has enacted and uses their taxes.

So it's interesting because it depends on the issue as to whether we're all on the same page or not.

CHAIR MAYFIELD: Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, I think and maybe it's the translation or my communication but I think when I what I was hearing, I brought this up six months ago was that we can create a mechanism, not as managers to managers but as Commissioners and staff collectively speaking of the Class A counties to communicate in a coordinated way. So I'd like us to still pursue it. Obviously, organizing it by next week is not pragmatic or practical but I do want us to put it on the radar and I would, Mr. Chair, like it to be to something that we do. It makes a whole lot of sense as we think about future planning to do it here at the El Dorado because the conference is right next door and our chambers is here. We talked about having a discussion in these chambers and some type of reception, so I want to keep it on the radar and I'm hopeful we can create a discussion, a list of items that is connected to Class A counties and want to try and get it done. Thank you.

CHAIR MAYFIELD: Thank you, Commissioners. Commissioners, if I can ask, I don't gloss over it but I forgot to bring up an issue that I was at a meeting this week and also the Pojoaque Basin Water Alliance Group asked that I attend one of their meetings and it was discussing the status of the Aamodt settlement and I just wanted to bring it to your attention and also to the listening audience's attention of what is going on and what's being done, and I'd ask Mr. Ross, if I'm incorrect with any of my information to please just either correct me or state anything different.

So right now, as I understand – and again, this is just for informational purposes to everybody listening, April 7th is the court deadline. The court has issued notices and an order to show cause giving water right owners until April 7, 2014 to either object to the settlement and the pueblos decree to accept the settlement and to make domestic well elections, US

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mailings on the US will be mailing out 6,000 packets and that is going to be done this Friday and that is going to be coming from the US Department of Justice from Denver on January 17th, I believe, and the mailings are going to continue, the court notice in order to show cause, an acceptance form, an objection form, a cover letter from the State Engineer and a flyer from the County with public meetings and outreach information.

There are still a couple things that need to be addressed and I think undoubtedly some of them is that addresses are wrong that the State Engineer's Office has for many people. And it is what it is and I think it's bad to be what it is. I think that's a huge problem. The packet does not include copies of the settlement agreement and the decrees and the court did not require a minimum number of public notice meetings but the County is doing some outreach. So right now – and there's some other stuff on here, but I'm going to give a summary of what the County is doing so the listening audience can know.

So what County is doing right now is Santa Fe County will be sponsoring meetings and workshops to go over the settlement agreement to help provide public information with the help of other settlement parties. The County will hold two public meetings for those who want additional information. The County will also schedule small outreach workshops and individual office hours. The first public meeting will be from 6:00 to 8:00 pm, Tuesday, February 18, 2014 at the Pojoaque Middle School auditorium. The second meeting will be from 6:00 to 8:00 pm, Tuesday, February 20, 2014 at the Tesuque Elementary School gym, and there will be outreach workshops. The County will also hold smaller workshops limited to 30 participants at each workshop. Sign up at the public meetings or call the number below, and I'll give that to you in a second. They'll be limited again to 30 individuals. And then there will be drop-in office hours and that will be at the County satellite office in Pojoaque, and that is at 5 West Gutierrez Street, Suite 9, to obtain additional information. The office hours schedule will be available at the public meetings and the County website beginning in February. So everybody who doesn't know, the County satellite office is right next to the True Value and the sopaipilla factory in that little parking lot in that little strip mall.

To assist with these public meetings, workshops and office hours, the County has hired Joe M. Stell, the water ombudsman program in Transboundary Resource Centers of the University of New Mexico School of Law, and you can also call Darcy Bushnell at the toll free water adjudication help line, at 1-877-775-8333. Again, that is 1-877-775-8333, or directly at 505-277-0551. Leave you name, phone number and questions and she will attempt to call you back on the next business day. You can go to our website of Uttoncenter.unm.edu/ombudsman/npt.php, or use our website. We'll just be coming to the santafecountynewmexico.gov, and then just to it directly under my name. I have pretty much every piece of Aamodt settlement information on my website. And Steve, would you care to add anything to this?

MR. ROSS: Mr. Chair, I thought that was a fair summation. There's going to be a meeting tomorrow and then further discussion about all of what you just described and I'm sure there'll be some changes, so if people just keep an eye on the website and we'll try and update it with additional information as it becomes available.

CHAIR MAYFIELD: Thanks. Steve, I'm going to ask this quick question and then I'll ask for this to be on the next agenda, just so everybody knows. But if folks are being mailed or not being mailed something because the State Engineer has inaccurate addresses,

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what's to be done on something like that if they're part of the settlement agreement?

MR. ROSS: Mr. Chair, you and I have discussed this a lot and I've sent an inquiry to the State Engineer to get their take on the answer. So I'll let you know as soon as I hear that. I know that those mailing lists are antiquated. I think they originally came from our Assessor's database and they've been trying to update them and I know there are some issues with the information they're using and we're going to try and figure out what the consequences of that are.

CHAIR MAYFIELD: The last address I saw still had a rural route address. There are some rural routes.

MR. ROSS: Right. But that's a good hint of the origin of the database, which is our Assessor's database. So we've got to straighten that out. But I'm going to find out for you what the ramifications of that are and how do people deal with it. If you don't get something in the mail – when should you expect it, number one, so you can look for it. If you don't get it, who do you contact and how do you get it?

CHAIR MAYFIELD: Thank you and thank you all for your pro-activeness on this. Also, on the North Central New Mexico Economic Development District meeting, they have a great website they're developing. I just think it's important for everybody to know. It's newmarc.com and it's a very comprehensive website, so it's part of the COG. And what they're doing, and I think it relates to a lot of these capital projects. You can really drill down to any project now on this website. So if there's any project going within the state and it's going to municipalities, county governments, state government projects, and I think they're going to start – I suggested they provide a linking to our individual county. It can be a specific project, how the funding was done on this project and where it's at, if it's moved. So that's just something to start looking for and I will be done with that.

Manager Miller, I think you were finished. I hope I didn't cut you off.

MS. MILLER: Mr. Chair, I think that's it. All I wanted to say on the spread sheets, if there was anything – we also have a list of all of the resolutions that you have passed as a Board to present, and we have that in a summary form for our legislators. We did hand that out at the dinner. And if there's anything else you would like added to this list or want us to look into please let us know because we do want to send individual letters to each legislator rather than just hand them our entire ICIP. We wanted to be a little more specific on our countywide issues as well as district issues. So if we've left anything out I appreciate the feedback you've given today but if there's anything else please let us know as soon as possible because we do want to send those letters in short order before the start committing their funds elsewhere. And with that I'll conclude. I would like to request, however, that we go to the public hearing before we go to executive session since the applicant does have to leave I think relatively soon, but we can stay for executive.

COMMISSIONER HOLIAN: Mr. Chair.

CHAIR MAYFIELD: Commissioner Holian.

COMMISSIONER HOLIAN: Would it be possible to have a five-minute break?

CHAIR MAYFIELD: Sure. Let's break till 6:00, then we'll go into our public hearing and then after that we'll go into executive session if that's okay with the Commission. Thank you.

[The Commission recessed from 5:53 to 6:06.]

7. **PUBLIC HEARINGS**

a. **Land Use Cases**

- iii. **BCC Case # MIS 10-5361 Saint Francis South Master Plat Authorization. Vegas Verdes, LLC, Applicant, Requests Authorization to Proceed with a Master Plat for the Creation of Twenty-Two (22) Mixed-Use Lots on 69 Acres More or Less. The Property is Located on Rabbit Road, via St. Francis Drive, within Section 11, Township 16 North, Range 9 East (Commission District 4)**

CHAIR MAYFIELD: Commissioners, thank you. We are going to convene our public hearing and we had two earlier cases that were tabled.

VICENTE ARCHULETA (Case Manager): Thank you, Mr. Chair. Vegas Verdes, LLC, Applicant, requests master plat authorization for the St. Francis South Large-Scale Mixed-Use Subdivision, which was approved by the Board of County Commissioners at their meeting of December 14, 2010. Approved uses include a combination of office, community service, retail, warehouse and residential.

The proposed request is for up to twenty-two parcels ranging in size from 1.0 acre to 5.45 acres, with an average size of 2.23 acres. The project will be developed in four phases of approximately five to six lots per phase to be developed over a period of 8 to 10 years. The County Land Development Code provides a process that allows an applicant the option of submitting a master plat instead of a standard subdivision that specifically defines the lot and road layout.

Article V, Section 5.6.1 of the Code states, In commercial, industrial or high density residential subdivisions which are to be developed in phases or in cases where a condominium proposes to convert to a subdivision, the Board may delegate authority to the Land Use Administrator to administratively approve a specific lot layout plan when it determines that due to the size, scale or marketing requirements that approval of a plat with a specific lot layout is in the best interest of the County and developer.

Before seeking master plat approval, the developer must file a petition with the Board requesting that it be permitted to obtain approval pursuant to this Section. If the Board approves the petition, the application will be reviewed by the CDRC and the Board for preliminary and final plat approval which will then be referred to as the master plat.

The applicant states: The master plat authorization is requested to allow the Land Use Administrator to administratively approve lot line adjustments and consolidations as may be necessary to accommodate the needs of future users.

Growth Management staff has reviewed this Application for compliance with pertinent Code requirements and finds the project is in compliance with County criteria for this type of request.

Approval sought: Authorization to proceed with a master plat for the creation of

twenty-two mixed-use lots on 69 acres for the St. Francis South Large-Scale Mixed-use Subdivision. Thank you, Mr. Chair.

CHAIR MAYFIELD: Thank you, Mr. Archuleta. Are there any questions of staff and I have Commissioner Chavez, please.

COMMISSIONER CHAVEZ: Thank you, Mr. Chair. Mr. Archuleta, I have in the packet some language that is a little confusing to me or doesn't quite line up as far as the use. On page 2 of your summary it states that the code allows for commercial, industrial or high density residential subdivisions which are to be developed in phases and then it goes on to say in the cases where a condominium proposes to convert a subdivision. So the language I'm focusing on or concerned with is the commercial, industrial, or high density subdivision in this summary, and then if you go to Exhibit 3 the language changes slightly and it says that the applicant is requesting master plan and zoning approval for a mixed-use subdivision, and then in parentheses it reads, commercial, residential and community service. So how do you reconcile those two permitted land uses – commercial, industrial or high density residential, versus commercial, residential and community service?

MR. ARCHULETA: Mr. Chair, Commissioner Chavez, I think maybe Vicki can answer that question.

VICKI LUCERO (Building & Development Services Manager): Mr. Chair, Commissioner Chavez, because there is a commercial component and a large-scale or a high density residential component to this application staff felt that it did meet the intent of the code section to allow for master plat authorization.

COMMISSIONER CHAVEZ: But why the different language then? It would have been better for me if the language would have been more consistent, I guess, in the two documents.

MS. LUCERO: Mr. Chair, Commissioner Chavez, the language in Exhibit A is what the applicant was proposing as part of their master plan request, which was approved back in 2010 so it is slightly different from the exact language in the code but it does both refer to high density residential and commercial developments.

COMMISSIONER CHAVEZ: So if I refer to Exhibit 3 is that – would that be more accurate, with those conditions and those permitted uses be more accurate? Or would they apply more than the language on page 2?

MS. LUCERO: Mr. Chair, Commissioner Chavez, the language in Exhibit 3 is exactly what was approved as part of the master plan request.

COMMISSIONER CHAVEZ: Okay. So what's changing – what will change today then with this request?

MS. LUCERO: Mr. Chair, Commissioner Chavez, the request before you is just it's basically a procedural request. Rather than to submit an application for preliminary and final development plan and plat to the BCC the applicant is requesting that the BCC basically grant the final authority to the Land Use Administrator in order to adjust lot lines so it doesn't have to keep coming back to the Board every time a new buyer comes in with a different lot configuration.

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COMMISSIONER CHAVEZ: So then I could point to these specific land use uses, commercial, residential and community service? Those would be the parameters that we will be discussing for tonight.

MS. LUCERO: Mr. Chair, Commissioner Chavez, yes. The use list was actually approved as part of the master plan application in 2010, so this is just a procedural issue as to how they want to have their plat approved.

COMMISSIONER CHAVEZ: Okay. Thank you.

CHAIR MAYFIELD: Thank you, Commissioner Chavez. Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. Thank you for the presentation. Is the applicant aware of the northeast connector plans that are going forward?

MR. ARCHULETA: Mr. Chair, Commissioner Stefanics, yes, they are.

COMMISSIONER STEFANICS: Thank you very much.

CHAIR MAYFIELD: Commissioner Holian, I apologize for the oversight. Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. Vicente, how long does master plat authorization last? In other words does it ever expire, like master plans can?

MR. ARCHULETA: Mr. Chair, Commissioner Holian, I don't believe that they expire. I think they can continue as long as the process is going through.

COMMISSIONER HOLIAN: Okay. And the other question I have is about the water supply for the development. It was mentioned in here that it would become part of the County utility. Has that line been installed out there on Rabbit Road?

MR. ARCHULETA: Mr. Chair, Commissioner Holian, no it hasn't. That's part of the – that will be coming up with the development at a later date.

COMMISSIONER HOLIAN: So the development will not proceed until the utility line is installed?

MR. ARCHULETA: Mr. Chair, Commissioner Holian, I believe so.

COMMISSIONER HOLIAN: Okay. Thank you. Thank you, Vicente.

COMMISSIONER CHAVEZ: Mr. Chair.

CHAIR MAYFIELD: Commissioner Chavez.

COMMISSIONER CHAVEZ: Thank you. We all have a letter here [*Exhibit 4*] and I'll just – I'm not going to read the whole letter but I think this is where sometimes the land use cases are maybe not understood or just divisive at some times. But this is writing to urge in the strongest possible terms to prohibit any retail establishments on Rabbit Road. And I'll just leave it at that because it talks to the permitted uses and if the master plan is already permitted for those uses it's really hard to argue against them even though there may not be complete support for that and so the only thing I can think is that we communicate to the residents that the project is in compliance with what's allowed and they're not getting anything that is outside of the zoning and land use requirements that we have in place now. And I don't know who would communicate that. Will there be any meetings as you move forward with this project?

MR. ARCHULETA: Mr. Chair, Commissioner Chavez, the applicant is going to speak a little bit about this. At this point this is irrelevant. This will be relevant when the preliminary plan is approved with the master plan. And when they come in with their development plan these issues can be addressed at that time, I believe.

COMMISSIONER CHAVEZ: Okay. Well, I just bring that up now because I think sometimes even though the master plan has already been approved it's not always generally accepted, because of the time that's gone by or whatever. And so it says that we always have to revisit that and re-educate ourselves about what's been approved, why and what the parameters are. So I just wanted – since this was before us I wanted to address it now and then we'll be discussing it as we move forward. Thank you, Mr. Chair.

MR. ARCHULETA: Thank you, Mr. Chair. The applicant is going to speak a little bit about the uses also so at this point I would like to defer any questions to Jennifer.

CHAIR MAYFIELD: Yes, applicant please be prepared to add and I don't know if you're an attorney so if you would be sworn please be sworn.

[Duly sworn, Jennifer Jenkins testified as follows:]

JENNIFER JENKINS: My name is Jennifer Jenkins, with Jenkins Gavin Development and Design, 130 Grant Avenue, Suite 101 in Santa Fe, 87501. Good evening, Chairman Mayfield, Commissioners. I'm here this evening on behalf of Vegas Verdes, LLC in request for master plat authorization for the St. Francis South project. And just as a little bit of background, as Vicente mentioned, St. Francis South received master plan approval in December 2010 with a list of permissible uses that were commensurate with that master plan.

We have now – we are moving forward, which is very exciting for the county. This was always seen as a real economic development driver. That's really the key and opportunity that rests with this project for Santa Fe County. We have submitted a preliminary development plan and a preliminary subdivision plat application to Santa Fe County for showing the 22 lots that is consistent with what is reflected in the master plan, and that – those applications will be going before the CDRC in March and probably coming back before this body, I would expect probably in May of this year.

And that preliminary plat and development plan really addresses infrastructure. So for example, Commissioner Holian, this development plan application that the County is currently processing addresses water, addresses wastewater, road improvements, the whole nine yards. So once we have a preliminary development plan, a preliminary subdivision plat approval this spring then we will proceed with final development plan and then proceed with actually constructing the requisite infrastructure to serve the initial phase of the project.

Tonight the master plat, the sole purpose of this is for a project like this we don't know who all the users are going to be and what their needs are going to be, so we may have a little cluster, say, of four two-acre lots and somebody says, well, I need eight acres, so I want all four of those lots, but we need to consolidate them into one parcel. So with this master plat that enables us to go to staff and say, okay, we're moving forward with this section of the project with this user, whatever that may be, an office building, for example. But we need to consolidate those lots.

The only thing this master plat does is gives staff the authority to say, okay, we can consolidate those administratively without spending more time, using this body's time for something like that. Or we need to adjust a lot line between a couple of lots. Somebody needs – there's a three-acre lot; they want a four-acre lot, so we'll make the lot next door a little smaller. So it just allows us the opportunity for marketing purposes as the project develops over time that we can accommodate the needs of the individual users.

So that is really our sole purpose here this evening. The master plat authorization, again, runs with the project, but we have submitted a formal preliminary subdivision plat already and so that is again, that is being reviewed by staff right now. And with respect to the permitted use list it covers everything from residential to office to community services and very limited retail. Maximum size of a building could be 5,000 square feet. And the vision really was is that the potential retail uses that could serve the users in that development, maybe a small, little PakMail that would serve the people who are there, or a small, little copy center or something like that. So we currently at this point have had no inquiries for potential retail users. It's not really a retail site; it's really not what this property is and what its highest and best use is.

And so we would just – and I think it's also really important to point out is that the proposed – every single one of our permissible uses that were approved by this body in 2010, virtually all of them are also permissible under the Sustainable Land Development Code under the proposed commercial zoning for this parcel. So not only is our proposal today and the development plan that is being reviewed right now by staff, not only are we consistent with our own master plan approval that this body approved but we also dovetail quite seamlessly with the Sustainable Land Development Code. So with that I'd be happy to stand for any questions. Thank you very much.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. Thank you, Ms. Jenkins. When do you plan to start with Phase 1? And have you done any marketing for that yet?

MS. JENKINS: Oh, absolutely. The project is being marketed actively right now and we have a lot of inquiries. We actually have some letters of intent going back and forth which is very exciting, and that's why we have submitted our preliminary development plan because we need to be ready. And so we are moving at as quick of a pace as the County process will allow and we do anticipate that we would like to have the proverbial shovel in the ground out here on infrastructure here this fall, is our ideal picture.

COMMISSIONER HOLIAN: But what about water supply? Is the water main going to be ready?

MS. JENKINS: Well, that's part of putting the shovel in the ground. That's part of that process. As we're building and doing all that – that's probably the first thing we're going to do is build the water line.

COMMISSIONER HOLIAN: What about the wastewater treatment?

MS. JENKINS: We have two options with respect to wastewater and we've been working closely with the Public Works Department on this and we are pursuing a connection across I-25 so the County is asking the City to accept the effluent. There is already a sleeve under I-25 that was put there intentionally years ago and so there is access to the wastewater infrastructure that is in Rodeo Business Park on the north side of I-25. That's

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Option A and that is of course our first option, and I think it makes a huge amount of sense and it's gravity, they're downstream from us so that is our hope. That is the direction we're going. But in the alternative we – per our master plan approval we have the option – we have the space, frankly, to do onsite wastewater treatment should that become necessary.

COMMISSIONER HOLIAN: Okay. It does seem like Option A is the preferred option.

MS. JENKINS: Yes. Absolutely. I'm right there with you. So, yes, we are pursuing that actively, working through the Public Works Department.

COMMISSIONER HOLIAN: And the other thing I wanted to ask you about is the trail that goes – that sort of allows people not to have to walk along Rabbit Road. And then when this was considered in 2010 there was talk about in order to get to the Rail Trail you needed to cross a couple of other private properties. Have you done any investigation about working with those properties?

MS. JENKINS: We actually are in the process of doing that right now. There's only one property owner between our property and the railroad right-of-way, so that's good. There's a lot of terrain in there, so we have a variety of issues. We have approached those landowners about would they be willing to grant some easement so we can keep – it's a very short stretch where the trail would have to dip down into the right-of-way. Thankfully, it's a short stretch but I know it's not ideal. So we are in dialogue with those homeowners to see if they a) are they willing to consider granting a trail easement, and b) is there really a feasible path to get from point A to point B, because there's quite a bit of terrain in there.

So when we come back this spring with the review of the preliminary development plan and preliminary plat before CDRC and then before this body, we will have that resolved.

COMMISSIONER HOLIAN: Okay. Great. Thank you, Ms. Jenkins.

MS. JENKINS: You're welcome.

CHAIR MAYFIELD: Are there any other questions of the applicant? This is a public hearing. Do we have anybody from the public wishing to comment on this case? Sir, please come forward and state your name for the record.

[Duly sworn, Baron Wolman testified as follows:]

BARON WOLMAN: My name is Baron Wolman and I live on Vereda Serena. I came and spoke against this development in 2010. I didn't like it then; I don't like it now. The question really is the effect this enormous development is going to have on really the entire area, thousands of people, hundreds of families, and not many people know about it. So I'm wondering, is there some kind of study that can be done or is it typical that a study is available that will show the effect of such an enormous – this is so out of scale with what's already there – upon the people who live in the area. Does the County do that? Can they ask for something like that prior to granting all kinds of – I understand what's being granted already but prior to letting this thing begin can the rest of us really find out how it's going to affect us somehow?

CHAIR MAYFIELD: Thank you. Mr. Ross, I know you're not in your chair, but the impact studies have all been complied with. Correct? Are there additional studies that the County typically requests?

MR. ROSS: Mr. Chair, Vicki tells me they've complied with all requirements of the code, in terms of there's a number of things that are requested in connection with developments. So all that stuff is in.

MR. WOLMAN: I understand that they have complied with – it's a small area that had to be notified of what was going on, and they did that and they're in compliance and I'm not saying that they aren't. But really, the effect of this upon everybody from Rainbow Village to Campo Conejo in every direction is going to be enormous and it seems as if many people aren't aware of it, number one, and since they aren't aware of it they're not here talking about it. And this is of course perhaps not the time, again, to argue against something that's already been approved. But it would be nice if we all had a sense of the entire area that's going to be affected, had some kind of sense of what this is going to mean to our lives which is going to be a radical, radical, radical change. Trust me, I know. I live there and I know what's going to happen.

So my request, really is is there such an opportunity for the County to ask for that in advance of providing the next step for them to develop?

CHAIR MAYFIELD: Thank you, sir. Is there anybody else from the public wishing to provide – or any more comments?

[Duly sworn, Don DeVito testified as follows:]

DON DEVITO: Good evening. Don DeVito. I live in the area as well and I don't have a problem with the master plan, master plat going through. I think you'll find me commenting during the development plan as well as a lot of other people about concerns of potential uses out here. Two comments tonight that I wanted to bring out. One is this has historically been a rural residential area. Rabbit Road, up until four years ago was a dead-end road with 500 cars a day. Now we're the main artery between St. Francis and Richards Road with a car count of over 6,000, and there's been no road improvements or traffic calming measures done since this has happened.

So I would ask that before construction begins on Phase 1 or any of this that the road improvements and traffic calming measures the County requires are in place, and I'm sure they will be but I want to bring it up.

Second point tonight, we are a rural residential area. We do enjoy some night skies. We've already suffered from significant light pollution from headlights in the traffic count. So I would ask going forward that the applicant think about mitigating some of this light pollution. And one of the things in the order of December 14, 2010 was the idea of a turnabout, a turnaround, to mitigate the traffic at St. Francis and Rabbit Road. I think this is a good idea, as opposed to more signal lights or something like that. Because with a turnabout you can at least do some mitigation for headlight splash and that kind of thing. We're just trying to maintain some of the character of this area as this project goes through. Thank you.

CHAIR MAYFIELD: Thank you, Mr. DeVito. Is there anybody else wishing to provide public comment at this time? Seeing none, this part of the public hearing is closed. I'm going to still ask the applicant to still come forward, please.

MS. JENKINS: Thank you very much. I just wanted, as just a follow-up, something I actually intended on covering when I spoke earlier but neglected to do so. When

we were moving forward with the master plan, over three years ago – it was probably four years ago now, we had a series of two neighborhood meetings to discuss the project. We talked a lot about uses, we talked a lot about traffic, we talked about all the various items that get discussed at such things. This project of course was vetted through staff, it was vetted through the CDRC and then obviously through this body. We over-notified. Within 100 feet of this property is like five landowners so we went above and beyond, recognizing that our neighborhood was far beyond the landowners within 100 feet of our property line. So we notified residents in the neighborhood on the east side of St. Francis, that whole residential neighborhood there. Of course we notified our neighborhood to the south. We notified neighbors to the west so we were very vigilant about our community interactions. We notified everybody prior to them receiving notice of this hearing we also notified everybody that we were proceeding with the preliminary plat and development plan, strictly related to our infrastructure needs. We notified everybody of that. We offered to meet with anyone who had questions and made ourselves available and we received nothing in return on that. So it's important for the Commission to know that we have made concerted efforts to make sure we were keeping our neighbors informed. So thank you. With that I'll stand for questions. Thank you.

CHAIR MAYFIELD: Thank you.

COMMISSIONER HOLIAN: Mr. Chair.

CHAIR MAYFIELD: Vice Chairman Anaya.

COMMISSIONER ANAYA: Mr. Chair, I just have a comment. Respecting that a prior Commission granted the approval and this is part of the process and respecting the recommendation of staff, there's always an opportunity as things progress to continue an open dialogue with the surrounding neighborhood so I appreciate that there's been prior efforts but there always needs to be continued efforts and communication as the process progresses. So that's my comment, Mr. Chair. Thanks.

CHAIR MAYFIELD: Thank you, Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. Ms. Jenkins, have you given any thought in your development to the night skies issue?

MS. JENKINS: Oh, absolutely. Obviously, right now we're not proposing any particular new construction, aside from infrastructure, but we recognize that this parcel is a very interesting transitional parcel. We are sandwiched between an interstate, which is a very intense use, and like they said, a rural residential neighborhood and we're very, very cognizant and sensitive to that. So we think it's incredibly important that as projects come in the door that lighting is key and we're very mindful of where we are. And so that is – and obviously, the County's ordinance is very – it's pretty strict in terms of requirement of downward and shielding and foot-candles and all of that and we would like to go above and beyond that even, as far as how individual projects are lit.

COMMISSIONER HOLIAN: Thank you.

CHAIR MAYFIELD: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. I just wanted to point out that the northeast connector is already under engineering plans. The State Department of

Transportation is funding that. That is going to change Rabbit Road forever. And that has been considered by the Metropolitan Planning Organization several years back. There's been several public meetings about this and the entire nature of that connector is changing the neighborhood. So if I lived there I would be going, well, I'm not going to be in rural residential much longer. You already aren't, because of the 500 to 6,000 cars. But with the northeast connector that goes along the highway between Richards Avenue, Rabbit Road and St. Francis it is changed. And that decision was made and funded by the County and the state a few years back and work is in progress.

So that has nothing to do with our prior approval but I just wanted to say as a message to the community, there are other things besides this development that are going to change the character of Rabbit Road. Thank you very much, Mr. Chair.

CHAIR MAYFIELD: Thank you, Commissioners. Commissioner Chavez, Commissioner Anaya, anything else? Commissioner Holian.

COMMISSIONER HOLIAN: Mr. Chair, I'm ready to make a motion.

CHAIR MAYFIELD: Sure. Motion please.

COMMISSIONER HOLIAN: Mr. Chair, well, first I'd like to make a couple of comments and that is I recognize that the area adjacent to Rabbit Road was historically rural but bit by bit, more development is occurring in that area and as Commissioner Stefanics mentioned also, Rabbit Road is going to become the northeast connector. I feel that the developers have given a lot of thought to how to develop in a responsible way. It's well designed. There are consistent design standards in the development, and I would also like to note that what we're voting on tonight is just really procedural, master plat authorization. Master plan was approved in 2010.

So I would like to move for approval of BCC Case MIS #10-5361, St. Francis South Master Plat Authorization.

COMMISSIONER STEFANICS: I'll second.

COMMISSIONER CHAVEZ: For discussion.

CHAIR MAYFIELD: Commissioner Chavez.

COMMISSIONER CHAVEZ: On page 11, under recommendation, Commissioner Holian, there are 11 conditions of approval.

COMMISSIONER HOLIAN: Commissioner Chavez, are you referring to the master plan?

COMMISSIONER CHAVEZ: Yes.

COMMISSIONER HOLIAN: Those have already been approved.

COMMISSIONER CHAVEZ: So then, would those stay in place then?

COMMISSIONER HOLIAN: I assume so.

COMMISSIONER STEFANICS: That was part of an earlier decision, Mr. Chair.

COMMISSIONER CHAVEZ: Okay. So then you're approving – but you're approving –

COMMISSIONER HOLIAN: The master plat authorization.

COMMISSIONER CHAVEZ: Right. And that would include – then I’m assuming that that would include those recommendations. Okay. I just want to be sure.

CHAIR MAYFIELD: I’m just going to defer to our County Attorney here or to Ms. Lucero.

MR. ROSS: Mr. Chair, Commissioner Chavez, the master plan that was approved, master plan zoning was approved a number of years ago had a number of conditions and those of course are applicable to the master plan. But there are actually no conditions recommended on the master plat approval.

COMMISSIONER CHAVEZ: Okay.

MR. ROSS: Obviously the conditions that were applicable way back when will continue.

COMMISSIONER CHAVEZ: Okay.

CHAIR MAYFIELD: We have a motion and second on the floor. No further questions?

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

6. MATTERS FROM THE COUNTY ATTORNEY

a. Executive Session

i. Discussion of Pending or Threatened Litigation

- 1. *New Mexico Gas et al. v. BCC***
- 2. Global Litigation Review**
- 3. BIA Notice to Show Cause**

MR. ROSS: Mr. Chair, we need a closed executive session to discuss primarily the BIA notice in order to show cause and the global litigation review. The New Mexico Gas matter is not ready at this meeting; it won’t be ready till the next meeting. As far as I know we don’t have any limited personnel issues or land or water rights issues or contract negotiations under the procurement code unless you are aware of something.

CHAIR MAYFIELD: County Attorney Ross, I believe there might be an issue on litigation that Commissioner Anaya may want to discuss.

MR. ROSS: Yes. We’re going to go over all the current litigation that the County is engaged in if you have time. So what Commissioner Anaya is interested in is part of that list.

CHAIR MAYFIELD: Thank you. And just for our listening audience I don’t believe there’s any other matters to come before this Commission tonight. We really don’t have anybody else in our audience tonight. We have County Attorney Rachel Brown with us, so this Commission will be concluding business after. We will come on and publicly do that, but if there’s any other staff here, I don’t think we have a need for any other staff members either. So thank you, Commissioners. With that can we have a roll call please going into executive session. Motion first.

COMMISSIONER CHAVEZ: Motion to go into executive session.

OFFICE CLERK RECORDED BY [unclear]

COMMISSIONER HOLIAN: Second.

The motion to go into executive session pursuant to NMSA Section 10-15-1-H (7) to discuss the matter delineated above passed upon unanimous roll call vote with Commissioners Anaya, Chavez, Holian, Stefanics and Mayfield all voting in the affirmative.

[The Commission met in closed session from 6:40 to 8:00.]

COMMISSIONER ANAYA: It is 8:00 pm and I move that we come out of executive session and that all five Commissioners were present, Rachel Brown, Steve Ross, Tim Vigil, and Manager Miller. Items referenced on the agenda were discussed. No action was taken.

COMMISSIONER CHAVEZ: I would second that motion.

CHAIR MAYFIELD: Commissioners, also, just on a prior land use case –

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

CHAIR MAYFIELD: That passes unanimously. Commissioners, to go back to BCC Case MIS 10-5361, Commissioner Chavez did read in a document that was given to us by Louis Bixenman I just want to make sure that our court reporter did have that entered into the record. [See Exhibit 4] If it wasn't we will give that to Mr. Ross and put it into our record.

8. **Concluding Business**
 - a. **Announcements**
 - b. **Adjournment**

Having completed the agenda and with no further business to come before this body, Chair Mayfield declared this meeting adjourned shortly after 8 p.m.

Approved by:


Daniel W. Mayfield, Chair
Board of County Commissioners

2014 JAN 14 08:00 PM
SANTA FE COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING

ATTEST TO:

Geraldine Salazar
GERALDINE SALAZAR
SANTA FE COUNTY CLERK
2/11/2014



Respectfully submitted:

Karen Farrell
Karen Farrell, Wordswork
453 Cerrillos Road
Santa Fe, NM 87501

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Daniel "Danny" Mayfield
Commissioner, District 1

Miguel M. Chavez
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Kathy H
Commissioner

Liz Stefa
Commissioner, District 5

Katherine Miller
County Manager



MEMORANDUM

DATE: January 14, 2014

TO: Board of County Commissioners

FROM: Julia Valdez, Constituent Services Liaison, Manager's Office

VIA: Katherine Miller, County Manager

ITEM AND ISSUE:

Request Authorization to Publish Title and General Summary of an Ordinance to Establish a Living Wage (Commissioners Stefanics and Chavez)

BACKGROUND

There is a large overlap between the poverty population and the people who would be benefited by the minimum wage increase.

Santa Fe County supports low income residents through taxpayer-funded social services – i.e., healthcare, public housing, affordable housing, behavioral health services, emergency services and other social services.

Creating a minimum wage in the unincorporated area of the county at \$10.50 could help lift residents of Santa Fe County out of poverty and reduce the ranks of our poor.

Section 1 declares the authority for Santa Fe County to enact this ordinance.

Section 2 establishes the boundaries and identifies who is affected and/or not affected by this ordinance.

Section 3 identifies the findings as to why this ordinance is brought forth.

Section 4 outlines the requirements of paying a minimum wage. It establishes rates and yearly adjustments.

Section 5 ensures there is no retaliation or circumvention of this ordinance.

Section 6 defines penalties and enforcement of violation of this ordinance.

Section 7 claims this ordinance not to be in conflict with the New Mexico Constitution.

Section 8 states that if any provision or part of the requirement is held to be invalid by legal jurisdiction, the remainder of the ordinance will continue to be enforced.

Section 9 businesses in Santa Fe County must post that it is compliant with this ordinance.

Section 10 outlines the procedure for violations.

Section 11 states the effective date of this ordinance.

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02/12/2014

Living Wage Data Points

- National/State Minimum Wage statistics
 - Federal minimum wage: \$7.25 (current proposal in DC, Sen. Hardin (D-Iowa) and Rep. Miller (D-CA), of \$10.10 has the support of White House)
 - San Francisco has nation's highest minimum wage of \$10.74
 - State of New Mexico is \$7.50
 - Albuquerque is \$8.50
- City of Santa Fe Living Wage
 - 2004: City raised the minimum wage from \$5.15 to \$8.50, a 65% increase, for private businesses with 25 or more employees
 - 2006: City raised the minimum wage to \$9.50
 - 2008: City raised the minimum wage to \$10.51, applies to all businesses within the incorporated area and is annually indexed to CPI
- Bureau of Labor Statistics
 - Total employment for Santa Fe MSA increased an average of 1.9% from 2004-2007
 - Total employment for Santa Fe MSA decreased an average of 1.8% from 2008-2011
 - Total employment for Santa Fe MSA increased by 1.3% from 2011-2012
 - BLS considers the City of Santa Fe incorporated area employment as 92% of total MSA employment
 - Select industries where average wages in Santa Fe MSA are below the national average:
 - Management (-23%)
 - Education, Training, Library (-14%)
 - Art, Design, Entertainment (-11%)
 - Sales and Related (-13%)
 - Farming, Fishing, Forestry (-16%)
 - Construction (-18%)
 - Installation, Maintenance, Repair (-14%)
 - Transportation and Material Moving (-10%)
- US Census
 - Total # of business establishments for Santa Fe MSA increased 3.4% from 2004-2007
 - Total # of business establishments for Santa Fe MSA decreased 6.9% from 2008-2011
- General
 - Santa Fe unemployment rate: 5.0% (Aug, '13)
 - Albuquerque unemployment rate: 6.3% (Aug, '13)
 - NM unemployment rate: 6.8% (Aug, '13)
 - Santa Fe County Median Household Income: \$53,642
 - Santa Fe County % of citizens living below poverty level (2008-2012): 16%
 - In 2011, Santa Fe County has net inflow of daily workers of 6,137

Annual Averages
 Census of Employment and Wages in the Private Sector
 (does not include Federal, State or Local Government)
 2008-2012

	2008		2009		2010		2011		2012	
	Employment	Average Weekly Wage	Employment	Average Weekly Wage	Employment	Average Weekly Wage	Employment	Average Weekly Wage	Employment	Average Weekly Wage
Accommodation & Food Services	8,235	\$ 400	8,179	\$ 399	8,211	\$ 400	8,251	\$ 404	8,426	\$ 412
Administrative & Waste Services	2,505	\$ 594	2,044	\$ 648	1,843	\$ 651	2,143	\$ 639	1,986	\$ 657
Agriculture, Forestry, Fishing & Hunting	144	\$ 490	114	\$ 534	113	\$ 524	142	\$ 611	156	\$ 639
Arts, Entertainment & Recreation	2,316	\$ 628	2,309	\$ 628	2,169	\$ 639	2,151	\$ 646	2,189	\$ 647
Construction	4,786	\$ 697	3,540	\$ 706	3,160	\$ 673	3,060	\$ 675	3,008	\$ 691
Educational Services	5,003	\$ 632	4,619	\$ 674	4,585	\$ 677	4,787	\$ 683	4,643	\$ 675
Finance & Insurance	1,830	\$ 1,589	1,780	\$ 1,673	1,718	\$ 1,914	1,735	\$ 2,141	1,776	\$ 2,239
Health Care & Social Assistance	8,456	\$ 820	8,650	\$ 852	8,963	\$ 880	9,370	\$ 874	9,335	\$ 877
Information	1,882	\$ 844	1,363	\$ 797	1,297	\$ 850	1,078	\$ 890	959	\$ 927
Management of Companies & Enterprises	225	\$ 1,140	225	\$ 1,198	223	\$ 1,181	238	\$ 1,242	192	\$ 1,271
Manufacturing	928	\$ 669	815	\$ 685	783	\$ 708	784	\$ 664	787	\$ 716
Mining	155	\$ 1,190	120	\$ 1,180	101	\$ 1,285	92	\$ 1,302	99	\$ 1,382
Other Services, Except Public Admin.	2,509	\$ 603	2,368	\$ 621	2,441	\$ 627	2,480	\$ 631	2,527	\$ 649
Professional & Technical Services	2,901	\$ 1,294	2,701	\$ 1,216	2,641	\$ 1,231	2,652	\$ 1,251	2,558	\$ 1,303
Real Estate & Rental & Leasing	1,005	\$ 733	913	\$ 722	865	\$ 750	813	\$ 787	802	\$ 806
Retail Trade	9,193	\$ 569	8,630	\$ 561	8,493	\$ 573	8,630	\$ 563	8,965	\$ 577
Transportation & Warehousing	922	\$ 787	854	\$ 800	853	\$ 808	817	\$ 857	912	\$ 840
Utilities	239	\$ 1,032	267	\$ 1,079	265	\$ 1,061	256	\$ 1,122	252	\$ 1,142
Wholesale Trade	1,254	\$ 782	1,114	\$ 800	1,005	\$ 855	972	\$ 880	913	\$ 971
Total Private	54,488		50,605		49,729		50,451		50,485	

tabbles
3

Pink highlight indicates Countywide Project
 Green highlight indicates facility project
 Blue highlight indicates project

Legislator	Capital Improvement Project	Total Cost of Project	Existing Funding Sources (If applicable)		Legislative Request
Representative Debbie Rodella (41)	Pojoaque Sports Fields	\$ 400,000	13 Cap Outlay	\$ 225,000	\$ 100,000
			SF County GRT	\$ 1,540,075	
	Upgrade Santa Fe Fairgrounds	\$ 1,500,000	13 Cap Outlay	\$ 450,500	\$ 100,000
	Solarizing Fire Stations	\$ 1,300,000		\$ -	\$ 50,000
				\$ 250,000	
Representative Jim Trujillo (45) All Santa Fe	Upgrade the La Bajada Water System	\$ 250,000	GO Bond	\$ 250,000	\$ 85,000
	La Cienega Community Center and Library	\$ 530,000	13 Cap Outlay	\$ 142,500	\$ 200,000
			GRT	\$ 250,000	
			Fire Impact Fees	\$ 70,000	
	Construction and Completion of Romero Park	\$ 1,000,000	12 Cap Outlay	\$ 75,000	\$ 300,000
			GRT	\$ 25,472	
Upgrade Santa Fe Fairgrounds	\$ 1,500,000	13 Cap Outlay	\$ 450,500	\$ 100,000	
Solarizing Fire Stations	\$ 1,300,000		\$ -	\$ 50,000	
				\$ 735,000	
Representative Carl Trujillo (46) All Santa Fe	Upgrade Chupadero Water System, Phase 1	\$ 300,000	GO Bond	\$ 51,966	\$ 75,000
	Pojoaque Sports Fields	\$ 400,000	13 Cap Outlay	\$ 225,000	\$ 100,000
			GRT	\$ 1,540,075	
	Upgrade Santa Fe Fairgrounds	\$ 1,500,000	13 Cap Outlay	\$ 450,500	\$ 100,000
Solarizing Fire Stations	\$ 1,300,000		\$ -	\$ 50,000	
				\$ 325,000	
Representative Stephanie Garcia Richard (43)	Upgrade the La Bajada Water System	\$ 250,000	GO Bond	\$ 250,000	\$ 85,000
	Eldorado Spur Transmission Line	\$ 400,000		\$ -	\$ 130,000
	South Hwy. 14 Senior/Community Center, phase 1	\$ 800,000	FY13 GRT	\$ 350,000	\$ 165,000
	La Cienega Community Center and Library	\$ 530,000	13 Cap Outlay	\$ 142,500	\$ 200,000
			GRT	\$ 250,000	
			Fire Impact Fees	\$ 70,000	
	Upgrade Santa Fe Fairgrounds	\$ 1,500,000	13 Cap Outlay	\$ 450,500	\$ 100,000
Solarizing Fire Stations	\$ 1,300,000		\$ -	\$ 50,000	
				\$ 730,000	
Representative Brian Egolf (47) All Santa Fe	Upgrade Water System at Tank 4 Site - Eldorado Water and Sanitation District	\$ 300,000		\$ -	\$ 100,000
	Lamy Bulk Water Project	\$ 165,000		\$ -	\$ 40,000
	Eldorado Spur Transmission Line	\$ 400,000		\$ -	\$ 130,000
	South Hwy. 14 Senior/Community Center, phase 1	\$ 800,000	FY13 GRT	\$ 350,000	\$ 165,000
	Upgrade Santa Fe Fairgrounds	\$ 1,500,000	13 Cap Outlay	\$ 450,500	\$ 100,000
	Solarizing Fire Stations	\$ 1,300,000		\$ -	\$ 50,000
				\$ 585,000	

Representative Jim Smith (22)	Eldorado Spur Transmission Line	\$ 400,000		\$ -	\$ 130,000
	Regional Stanley Wellness Center, phase 1	\$ 1,200,000		\$ -	\$ 400,000
	South Hwy. 14 Senior/Community Center, phase 1	\$ 800,000	FY13 GRT	\$ 350,000	\$ 165,000
	Upgrade Santa Fe Fairgrounds \$1,500,000	\$ 1,500,000	13 Cap Outlay	\$ 450,500	\$ 100,000
	Solarizing Fire Stations \$1,300,000	\$ 1,300,000		\$ -	\$ 50,000
					\$ 845,000
Representative Luciano "Lucky" Varela (48) All Santa Fe	Replace Lift Station Facility for Vista Aurora Sewer System	\$ 102,000			\$ 55,000
	South Hwy. 14 Senior/Community Center, phase 1	\$ 800,000	FY13 GRT	\$ 350,000	\$ 165,000
	Upgrade Santa Fe Fairgrounds	\$ 1,500,000	13 Cap Outlay	\$ 450,500	\$ 100,000
	Solarizing Fire Stations	\$ 1,300,000		\$ -	\$ 50,000
					\$ 370,000
Representative Vickie Perea (50)	Lamy Bulk Water Project	\$ 165,000		\$ -	\$ 40,000
	Upgrade Water System at Tank 4 Site – Eldorado Water and Sanitation District				
	Upgrade Santa Fe Fairgrounds	\$ 300,000		\$ -	\$ 100,000
	Solarizing Fire Stations	\$ 1,500,000	13 Cap Outlay	\$ 450,500	\$ 100,000
					\$ 290,000
Representative Tomas Salazar (70)	Regional Stanley Wellness Center, phase 1	\$ 1,200,000		\$ -	\$ 400,000
	Upgrade Santa Fe Fairgrounds	\$ 1,500,000	13 Cap Outlay	\$ 450,500	\$ 100,000
	Solarizing Fire Stations	\$ 1,300,000		\$ -	\$ 50,000
					\$ 550,000
Senator Sue Wilson Beffort (19)	Regional Stanley Wellness Center, phase 1	\$ 1,200,000			\$ 400,000
	Upgrade Santa Fe Fairgrounds	\$ 1,500,000	13 Cap Outlay	\$ 450,500	\$ 100,000
	Solarizing Fire Stations	\$ 1,300,000		\$ -	\$ 50,000
					\$ 550,000
Senator Carlos Cisneros (6)	Upgrade Chupadero Water System, Phase 1	\$ 300,000	GO Bond	\$ 51,966	\$ 75,000
	Upgrade Santa Fe Fairgrounds	\$ 1,500,000	13 Cap Outlay	\$ 450,500	\$ 100,000
	Pojoaque Sports Fields	\$ 400,000	13 Cap Outlay SF County GRT	\$ 225,000 \$ 1,540,075	\$ 100,000
	Solarizing Fire Stations	\$ 1,300,000		\$ -	\$ 50,000
					\$ 325,000
Senator Phil Griego (39)	Lamy Bulk Water Project	\$ 165,000		\$ -	\$ 40,000
	Upgrade the La Bajada Water System	\$ 250,000	GO Bond	\$ 250,000	\$ 85,000
	South Hwy. 14 Senior/Community Center, phase 1	\$ 800,000	FY13 GRT	\$ 350,000	\$ 165,000
	La Cienega Community Center and Library	\$ 530,000	13 Cap Outlay	\$ 142,500	\$ 200,000
			GRT	\$ 250,000	
			Fire Impact Fees	\$ 70,000	
	Construction and Completion of Romero Park	\$ 1,000,000	12 Cap Outlay GRT	\$ 75,000 \$ 25,472	\$ 300,000
Upgrade Santa Fe Fairgrounds	\$ 1,500,000	13 Cap Outlay	\$ 450,500	\$ 100,000	
Solarizing Fire Stations	\$ 1,300,000		\$ -	\$ 50,000	
					\$ 940,000
Senator Peter Wirth (25) All Santa Fe	Upgrade Chupadero Water System, Phase 1	\$ 300,000	GO Bond	\$ 51,966	\$ 75,000
	Lamy Bulk Water Project	\$ 165,000		\$ -	\$ 40,000
	Upgrade Water System at Tank 4 Site – Eldorado Water and Sanitation District				
	Upgrade Santa Fe Fairgrounds	\$ 300,000		\$ -	\$ 100,000
	Solarizing Fire Stations	\$ 1,500,000	13 Cap Outlay	\$ 450,500	\$ 50,000
					\$ 50,000
					\$ 315,000

Senator Nancy Rodriguez (24) All Santa Fe	Replace Lift Station Facility for Vista Aurora Sewer System	\$ 102,000		\$ -	\$ 55,000
	Construction and Completion of Romero Park	\$ 1,000,000	12 Cap Outlay	\$ 75,000	\$ 300,000
			GRT	\$ 25,472	
	Upgrade Santa Fe Fairgrounds	\$ 1,500,000	13 Cap Outlay	\$ 450,500	\$ 100,000
	Solarizing Fire Stations	\$ 1,300,000		\$ -	\$ 50,000
				\$ 505,000	
Senator Richard Martinez (5)	Upgrade Chupadero Water System, Phase 1	\$ 300,000		\$51,966 GO Bond	\$ 75,000
	Upgrade Santa Fe Fairgrounds	\$ 1,500,000	13 Cap Outlay	\$ 450,500	\$ 100,000
	Pojoaque Sports Fields	\$ 400,000	13 Cap Outlay	\$ 225,000	\$ 100,000
			SF County GRT	\$ 1,540,075	
	Solarizing Fire Stations	\$ 1,300,000		\$ -	\$ 50,000
				\$ 325,000	

Bureau of Labor Statistics

Local Area Total Employment
Original Data Value

Series Id: LAUMT35421405
Not Seasonally Adjusted
Area: Santa Fe, NM Metropolitan Statistical Area
Area Type: Metropolitan areas
State/Region/Division: New Mexico

Years: 2003 to 2013

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual
2003	69280	69968	69768	70124	69735	71051	71839	71068	70251	71144	71472	71176	70573
2004	69639	70763	70489	70958	71125	71745	73349	72763	71875	72359	72373	72195	71636
2005	70479	71562	71704	73568	72682	74123	74682	74209	73101	74244	73833	73581	73147
2006	71713	72895	72778	73847	73435	74830	75755	75290	74674	75655	76218	76661	74479
2007	74996	75776	75683	75432	75071	76406	77801	76725	76466	76452	76562	75673	76087
2008	74112	74812	74778	76310	75154	77098	78044	76109	74961	74643	74971	74186	75432
2009	71298	72144	71741	71927	71706	72760	73651	72820	71076	70995	71278	70777	71848
2010	69399	70476	69986	70629	70797	71856	72486	72178	70939	70824	71139	71121	70986
2011	69080	69513	69778	69907	69816	71088	72133	71480	70392	71097	71475	71691	70621
2012	70034	70730	70421	71203	71292	72359	73239	72205	71304	71584	72127	71980	71540
2013	70526	71004	70583	71497	70824	71188	72043	70589	69209	69427			

7 January 2014

EXHIBIT

tabbler

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County Land Use Administrator
PO Box 276
Santa Fe, NM 87504-0276

RE: BCC Case # MIS 10-5361

I am writing to urge you in the strongest possible terms to prohibit any retail establishments on Rabbit Road. There have not yet been any retail businesses permitted on Rabbit Road from Old Pecos Trail to Richards Avenue, and there is no demonstrated demand for any such establishments. We should not now change that situation. Retail businesses will fundamentally and irrevocably alter the residential, country nature of this area. In addition, any retail business would be redundant and unnecessary.

No one is clamoring for retail development of Rabbit Road except Vegas Verdes, LLC.

Since Rabbit Road was opened through to Richards Avenue, traffic has increased ten-fold. If retail businesses are permitted to locate on Rabbit Road, an already overburdened and under-maintained roadway will be even more clogged and dangerous. It is not in the best interest of Santa Fe County or myself and my neighbors to allow retail businesses to locate on Rabbit Road.

REC CLERK RECORDED 01/12/2014

Thank you for your attention to this matter.

Sincerely,

Louis Bixenman
36 Vereda Serena
lbixenman@earthlink.net

cc: Kathy Holian
Commissioner, District 4