

**MINUTES OF THE
CITY OF SANTA FE / SANTA FE COUNTY
REGIONAL PLANNING AUTHORITY**

**Tuesday, January 19, 2010
3:00 PM
Santa Fe, New Mexico**

This Regular Meeting of the City of Santa Fe / Santa Fe County Regional Planning Authority (RPA) was called to order by Chair Harry Montoya at approximately 3:45 PM on the above-cited date in the Santa Fe County Commission Chambers in the County Administration Building.

ROLL CALL

County Commissioners Present:

Kathy Holian
Harry Montoya, Chair
Liz Stefanics

County Commissioner Absent:

Virginia Vigil

City Councilors Present:

Patti Bushee
Matthew Ortiz

City Councilors Absent:

Rosemary Romero
Rebecca Wurzbarger

Santa Fe County Staff Members:

Penny Ellis-Green, Assistant County Manager
Robert Griego, Planning Manager
Duncan Sill, Economic Development Planner

Santa Fe City Staff Member:

Others Present:

Henry Herrera
Kenny Keelin
Don Pearson, Environx

APPROVAL OF AGENDA

Commissioner Holian moved to approve the agenda, seconded by Councilor Ortiz and approved unanimously.

APPROVAL OF MINUTES FROM NOVEMBER 17, 2009, REGULAR MEETING

Commissioner Stefanics moved to approve the minutes of the November 17, 2009, Regular Meeting, seconded by Councilor Bushee and approved unanimously.

[All items in the Board packet for all agenda items are incorporated herewith to these minutes by reference. The original Board packet is on file in the Regional Planning Authority office.]

COMMUNICATIONS FROM THE PUBLIC

[quoted verbatim] My name is Ken Keelin, a resident of the County of Santa Fe. I don't know if this is the right area to discuss this, but dealing with the annexation of Phase Two, and from

my understanding, I went down to apply for a building permit, and being that I was in the County, I went to the County, which I had to go to the City. And I've attended just about all the meetings that I could that I knew about, between the, when the City was trying to annex into, the County into the City. And being that I went down to the meetings, none of the times were we ever told that the annexation would come into place, and they came into place, we would follow the City. Well, I'm in Phase Two, but yet, I'm not, I'm in the County, but now I'm in Phase Two of the annexation, and I have to fall under the City. When was that addressed and how does that get addressed. I'm in the County, which – this is what really upsets me – is I cannot vote for any of the body here at this table. I'm in the County. I have to follow every City policy, but yet I can't vote for anybody here. When do I get a vote, equal justice.

Chair Montoya explained that Mr. Keelin can still vote for County Commissioners, but is not at present able to vote for City Councilors.

Mr. Keelin - Right. Okay, Well, my concern is, I have to follow the City guidelines, even though I'm in the County. When do I get to vote for a City Councilor, because that's never been addressed, and I hope that gets brought up in some of these meetings. And I would like to do that before March second, because I would sure like to address my concerns to the constituents that I have to address or have to control my environment. Which means, I'm in County, I have followed the City rules because Phase One has already been done. Phase Two and Three are still three years into the making. Possibly, if it's voted on. It's not a done deal yet, from my understanding, Phase Two. Phase Two is not a done deal.

Ms. Ellis-Green explained that annexation is in three different phases, and Phase Two is still several years away. The ordinance that the joint City-County board adopted stated that anyone who is in the presumptive City limits to be annexed will follow the City rules. Those residents will be able to vote for City Councilors when the annexation of their phase actually takes place.

Mr. Keelin - So this goes back to my question for me. I have representation by both City Councilors, but yet I have to follow the City laws? I have to follow the City zoning. I have to follow everything within the City that's been adopted to this point. But yet, I have no vote. When – the Boston Tea Party was over the same thing. No right to vote.

Councilor Ortiz explained the earliest that residents living in Phase Two will be able to vote for City Councilors is March of 2012, if the City conducts the annexation pursuant to the Settlement Agreement that was adopted by the City and the County. In the meantime, residents in the areas to be annexed will have to follow the City code enforcement, process and procedures according to conditions agreed to in the Settlement Agreement.

Mr. Keelin – But on that, as being City Councilors, wouldn't you want these people that are coming into the county to reward the constituents, or do we want just want to be left out there again when EZ was in effect. I was in that two-mile boundary, and it was always city, county, we don't know, city, county, we don't know, for the EZ. We don't follow, we don't know which one to follow. That's one reason they got rid of it. Now we're back into the same situation. I don't have anybody that I can go to, except at meetings like this, to voice my opinion, to voice my concern. As the City says, now you own me and my property, as far as the legislation, when will

I – you answered the question, March 2012. but was that decided at that time that that’s when we would get a vote or is that just when ___ get this property. I don’t think [the annexation is] a done deal yet. From what I’ve been reading in the papers, it’s still if it’s annexed into the city

Councilor Ortiz said he felt that Mr. Keelin may be reading campaign materials and statements in the press about different candidates for either mayor or City Council who were talking about things other than the Settlement Agreement that was passed.

Mr. Keelin – I would surely like to put out there that I think it’s wrong, wrong, wrong, that you’re not getting the people that are, you personally are annexing, the City Council is annexing, without giving anybody the choice to be heard at the voting tables. That’s my opinion. Thank you.

INFORMATION ITEMS

- **Update on the Energy Task Force**

Commissioner Holian stated that the Energy Task Force (ETF) has been working on the Renewable Energy Financing District. At present, the County legal and procurement departments are writing the three contracts with Renew Fund, also known as Renewable Funding, which will be helping to set up the program, the initial loan application processing, and also funding for the projects. Three different contracts are being written to enable flexibility for how long each contract might last.

There is a five-member board associated with the Renewable Energy Financing District composed of five Santa Fe County Commissioners. Now that the City of Santa Fe and Edgewood have opted in, they may decide to have representatives on the board that would replace Commissioner board members. The only thing the board does is to approve applications for people entering the district. These decisions could be put it on the BCC consent calendar for a fairly easy approval process if only County Commissioners continue being board members. If City Councilors decide to join the board, Commissioner Holian suggested that the approvals be in conjunction with RPA meetings. She requested that Councilors Bushee and Ortiz discuss this decision with the other City Councilors.

Councilor Bushee asked if City and County staff members and perhaps experts in the field or citizens could be board members and make the decisions. She commented that the elected officials would appreciate not having more committee meetings to attend.

Commissioner Holian replied that the composition of the board for the Renewable Energy Financing District was a part of the legislation that was passed that stated it be populated by Councilors and Commissioners or by people who are elected by the members of the district. If there is a change in the personnel on the board, the ordinance would need to be amended.

Commissioner Stefanics asked whether the City of Española and Edgewood had been given the opportunity to appoint board members.

Commissioner Holian replied that the Town of Edgewood opted in, but they were not interested in donating a person to the board. There have been conversations between the Española city manager and Santa Fe county manager, and the opportunity is at their discretion, but they have not yet passed such a resolution.

Councilor Bushee suggested that the City and County appoint designees to the board.

Commissioner Holian replied that was a good suggestion and she would request that legal staff look at that as an option.

Commissioner Holian assured the RPA members that City staff members Mr. Nick Schiavo and Ms. Katherine Mortimer regularly attend the ETF meetings and that the City is being included in the Renewable Energy Financing District program and other energy initiatives being discussed.

Another topic being discussed at the ETF is the kinds of energy efficiency programs that could be promoted. Commissioner Holian distributed a matrix that shows the process and the variables of those programs. At the next ETF meeting the members will pinpoint programs to concentrate on. They will then develop what the city and the county might have to do to actually implement the programs, where funding would come from, what kind of ordinances have to be passed, and anything related to what actually has to be done to get those in place.

In response to questions from Authority members regarding the funding, Commissioner Holian stated that there are new interesting bonding possibilities at the federal and state levels that have not yet been totally worked out. The ETF has been in discussions with the NMAC about bonding.

Commissioner Holian said she has been told by legal staff that RPA funds can be used for energy related projects. Attorney Ross has re-read the ordinance and stated his opinion that it appears to him that it does not allow the use of GRT funds for bonding. He has suggested that once the BDD is completed and totally funded, the RPA might want to rewrite the ordinance so it is clearer, especially on the use of GRT funds for bonding.

Ms. Ellis-Green noted that the ordinance and the memo of interpretation from Attorney Ross are in the members' packets as Exhibit B. She said she would follow up with him specifically regarding bonding from the GRT funds.

- **NCRTD Member Report**

Commissioner Stefanics reported that the RTD is seeking federal stimulus funds to supplement the GRT coming in from different counties so routes can be expanded.

She explained that a transportation issue in Los Alamos became a point of discussion. A bus stopped to let someone off that was not a regular bus stop. The person was hit by a car and killed. Now the RTD is making the city/county of Los Alamos be very specific that bus routes will only go to the advertised points of the bus stops.

Commissioner Montoya asked when the new facility is projected to open.

Commissioner Stefanics replied that they have funding for architectural plans and are debating whether to continue to contract out maintenance on the RTD buses or actually build a maintenance secondary structure. At present the maintenance contract costs less than it would to build a structure and hire staff, and so the board has decided to just fix the first structure and forget about a maintenance barn. The vehicles will be parked in a locked and gated area.

DISCUSSION AND POSSIBLE ACTION ITEMS

- **Discussion and Possible Action on Regional Capital Outlay GRT Procedures for Allocation of Funding**

Mr. Robert Griego read from his memorandum that was included in the packet outlining the GRT for the capital outlay. He noted that Ordinance 2002-5 splits the capital outlay into three categories: water and wastewater; open space, parks and recreation; and roads, streets, bridges or other public projects permitted by law.

Ms. Ellis-Green stated that staff was looking for direction from the Authority on whether the RPA wants to fund nonprofits and the procedure to use for what projects should be brought forward for consideration.

Councilor Bushee spoke from her historical perspective and stated that this GRT is the only joint funding source that the City and County have together. On past occasions, these funds have sometimes been treated as just the County's source of funding. She recalled the surprise when funds migrated from the Siler Road project – which everyone on the board agreed to as a priority – and were put to South Meadows. She stated the RPA has established the criteria for projects, but it does not have a regular process to sit down as a board, review and decide on which projects to fund. She said that these projects need to be actual joint regional projects for the city and the county. Councilor Bushee noted that clear parameters for how the funds should be used are already included.

Commissioner Stefanics said there are times she wonders if the RPA is needed except for the distribution of money, because some of the things it works on can be taken care of in other ways. She agreed that an issue around the use of this money that has never been resolved is the nonprofits, and there are a lot of worthwhile nonprofits that the city and the county have aligned themselves with that are asking for money. At one meeting, rehabilitation and improvements to open space and trails was suggested, and the Authority thought it had been decided, but it was not noticed as an action item. By the next meeting, open space and trails were put aside for a different topic of nonprofits. But no consensus has been reached for whether to fund nonprofits.

Commissioner Holian pointed out that energy has been identified as a priority, and as a result the ETF was created. She said that she would like to see funding be available for a joint energy project such as a study.

Councilor Bushee said she would not want to take a hard line stance against funding nonprofits that truly serve both the city and the county, but that the decision would be difficult because there

are so many. There is a city and county population that enjoys the Farmers Market building and it is economic development in the end, so she would not take a hard line on something like that. The river trail keeps being extended out in the county, so it is truly a regional effort. Potential road issues that help circulation between the city and the county, such as Siler Road, should be considered.

Councilor Bushee said that she is one of the founding members of the RPA and, although it is another meeting to attend, there is a part of her that would not want to see the RPA go away. She said it is truly one of the few places that Councilors and Commissioners get together as a body to make decisions and work together on planning. There is no other such venue for that. Because there is no RPA executive director at this time, direction for decision-making has not been clear.

To help in the decision-making, Commissioner Stefanics suggested the following motion, We as the RPA designate an amount of money to be used for requests by nonprofits that have some relation to the ICIP of the city and of the county, and that does include everything in Zona del Sol and everything in open space. Commissioner Montoya seconded the motion for discussion.

Councilor Bushee said she would not go along with such a motion. She expressed her feeling that many of the nonprofit structures do not have the organization capacity at this point to support the use of the funds.

Commissioner Stefanics replied that she included the ICIP in her motion because that is part of the evaluation criteria. She said she likes the idea of giving money to improvement of regional trails; or helping Zona del Sol with capital requests for fencing, equipment, and items that were not for operations and staffing; or the library in Eldorado.

Councilor Ortiz pointed to Exhibit D, evaluation criteria, and Exhibit E, project ranking, that were developed and approved by the RPA in an attempt to provide parameters for how to deal with the requests. He said he feels there is a purpose for the RPA to use the GRT taxes that were passed by the citizens of the county for a regional benefit. The RPA is the body uniquely qualified for this because of the equal representation and it requires its members to sit face-to-face and hash out those funding requests.

Councilor Ortiz suggested direction be given to staff that a city list be developed similar to Exhibit F, county projects, and a timeline for bringing such a list back to the RPA. The RPA could then winnow the two lists of projects down to those that would qualify as interlocking sets of priorities for both the city and county. He said it is incumbent upon the Authority to do the ranking and that staff just be used to compile and collate the projects for consideration.

Commissioner Stefanics said she would withdraw her motion, but felt that what Councilor Ortiz suggested was still too nebulous to take the next step.

Ms. Ellis-Green noted that Exhibit F was put together by the county project staff. She said she would work with city project staff to bring forward a city list. This would result in the first level of ranking, which is list of all the projects from both the city and the county. She asked for a timeframe and direction as to whether nonprofits that have made a request should be included.

Councilor Bushee added that the issue of homelessness has not been discussed and that is a city-county problem. There is the place in the railyard where people get off the train and need transportation. The majority of nonprofits have lost funding sources and have not diversified their funding. The RPA should explore mutual concerns that are not already funded by some other funding source.

Commissioner Holian agreed that giving money to nonprofits is a losing battle. They need so much, and what the RPA has would be a drop in the bucket and not make a big difference. She felt the RPA should leverage its money by jump starting programs that will lead to future things. She noted that the ordinance was written in 2002 and part of the reason the RPA is having a hard time deciding how to proceed is that its priorities and money have changed. In the not-too-distant future the ordinance needs to be rewritten in a way that promotes programs that are going to lead to sustainability for the city and the county, and sustainability is the issue. She said that she likes the forum the RPA gives to work together.

Ms. Ellis-Green stated there is still the question of the procedure for nonprofits. She said she has reviewed past RPA minutes and information and has not been able to find any direction.

Commissioner Stefanics said she felt the nonprofits that can be considered are the ones on the ICIP list. Councilor Bushee cautioned that there are too many nonprofits on the city's ICIP list to narrow the list down.

Commissioner Ortiz moved to direct county staff to meet with city staff to come up with a similar list of priorities as are on the county's list in Exhibit F, potential county regional GRT, and have them presented to the RPA by the March meeting; and that the RPA consider taking action by ranking and making recommendations consistent with the fiscal year budget; by omission, nonprofits would be eliminated in the process at this point. The motion was seconded by Commissioner Stefanics.

Following some further discussion regarding the funds available as indicated in Exhibit C, the GRT spreadsheet, Councilor Ortiz restated the motion to direct staff to request that the city staff come up with a similar numbered list consistent with Exhibit F, potential county regional GRT, and that staff is directed to bring the list before the RPA for the March meeting. The RPA would go through the ranking for potential awarding of projects by the end of this fiscal year. For further clarification, by omission because Councilor Ortiz did not specifically say it, if the question is whether to include nonprofits, to the extent nonprofits qualify under the criteria, they would be considered, but it is not to issue an open invitation to nonprofits.

The motion was voted on and unanimously approved by a vote of 5-0.

- **Discussion and Possible Action on RPA Staffing**

Ms. Ellis-Green explained that Commissioner Montoya became the RPA Chair in September 2009. New elections will be held at the February 2010 RPA meeting. As a result, responsibility for the RPA meetings would then fall to city staff.

Commissioner Stefanics recommend that this staffing item be the first point of discussion at next meeting.

• **Discussion and Possible Action on RPA Priorities**

This item was move to the agenda for the February 16 meeting.

DATE AND TIME FOR NEXT RPA MEETING

The next regular meeting of the Regional Planning Authority will be held at 4 PM, Tuesday, February 16, in the County Commission Chambers.

ADJOURNMENT

This Regular Meeting of the RPA was adjourned at approximately 5:17 PM.

Approved by:



Chair, Regional Planning Authority
Harry Montoya, Commissioner, County of Santa Fe

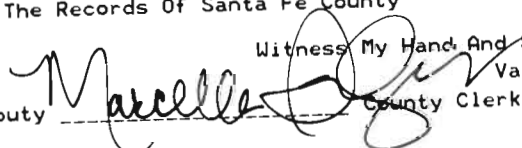
ATTEST:



VALERIE ESPINOZA
COUNTY CLERK

Minutes transcribed and drafted by Kay Carlson



COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss
RPA MINUTES
PAGES: 8
I Hereby Certify That This Instrument Was Filed for
Record On The 17TH Day Of December, 2010 at 08:43:16 AM
And Was Duly Recorded as Instrument # 1620485
Of The Records Of Santa Fe County
Witness My Hand And Seal Of Office
Valerie Espinoza
Deputy  County Clerk, Santa Fe, NM