

*Bcc Minutes re-recorded to Add
Addendum page as approved @ BCC 11/2011

BCC MINUTES
PAGES: 111

COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

I Hereby Certify That This Instrument Was Filed for
Record On The 12TH Day Of November, 2010 at 04:18:47 PM
And Was Duly Recorded as Instrument # 1616861
Of The Records Of Santa Fe County

Witness My Hand And Seal Of Office
Valerie Espinoza
County Clerk, Santa Fe, NM

Deputy



SANTA FE COUNTY

BOARD OF COUNTY COMMISSIONERS

REGULAR MEETING

October 12, 2010

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

Virginia Vigil – District 2: Excused

COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

BCC MINUTES
PAGES: 112

I Hereby Certify That This Instrument Was Filed for
Record On The 13TH Day Of January, 2011 at 02:06:10 PM
And Was Duly Recorded as Instrument # 1623514
Of The Records Of Santa Fe County

Witness My Hand And Seal Of Office
Valerie Espinoza
County Clerk, Santa Fe, NM

Deputy



SFC CLERK RECORDED INSTRUMENT 11/13/2011

SANTA FE COUNTY
REGULAR MEETING
BOARD OF COUNTY COMMISSIONERS

October 12, 2010

This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 2:02 p.m. by Chair Harry Montoya, in the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

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

Members Present:

Commissioner, Harry Montoya, Chair
Commissioner Kathy Holian
Commissioner Liz Stefanics
Commissioner Mike Anaya

Members Excused:

Commissioner Virginia Vigil

V. INVOCATION

An invocation was given by Margie Romero from Human Resources.

VI. APPROVAL OF THE AGENDA

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- B. Tabled or Withdrawn Items**

KATHERINE MILLER (County Manager): Mr. Chair, we have a couple of amendments. Under Matters from the County Attorney, item XIII. C. 1, a discussion of a proposed settlement agreement and then item XIII C. 2, consideration of that settlement agreement. Under Public Hearings, item XIV. A. 2, the PNM Caja del Rio Substation, and then also item 3 has been withdrawn. [*Exhibit 1: Staff memo re: Bowker*]

CHAIRMAN MONTROYA: Thank you. Any other changes from the Commission?

SFC CLERK VALERIE ESPINOZA RECORDS/12/2010

COMMISSIONER HOLIAN: Move for approval with changes.
COMMISSIONER STEFANICS: Second.
CHAIRMAN MONTOYA: Motion by Commissioner Holian, second by
Commissioner Holian. Any discussion?

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

VII. APPROVAL OF CONSENT CALENDAR

A. Consent Calendar Withdrawals

COMMISSIONER STEFANICS: Mr. Chair.
CHAIRMAN MONTOYA: Commissioner Stefanics.
COMMISSIONER STEFANICS: I'd like to withdraw item XII. A. 3.
CHAIRMAN MONTOYA: Okay. Any other withdrawals?
COMMISSIONER ANAYA: Mr. Chair.
CHAIRMAN MONTOYA: Commissioner Anaya.
COMMISSIONER ANAYA: Move for approval with that withdrawal.
COMMISSIONER HOLIAN: Second.
CHAIRMAN MONTOYA: Motion by Commissioner Anaya, second by
Commissioner Anaya.

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

XII. CONSENT CALENDAR

A. Miscellaneous

1. **Request Approval to Enter Into Contract #2010-0331-CSD/MS for \$573,048.84 Excluding Applicable New Mexico Gross Receipts Tax, with Alternative Building Solutions for the Renovation of the La Tierra Fire Station to Include Living Quarters for Fire Personnel (Community Services Department)**
2. **Water Right Exchange Agreement Between Santa Fe County and Richard P. Cook (Legal Department)**
3. **Request Approval of the Purchase of an Easement on .03 Acres From the Lucy Moore Trust for the Nine Mile Trailhead of the Santa Fe Rail Trail (Community Services Department)**
4. **First Amendment to the Joint Powers Agreement Between the Board of County Commissioners of Santa Fe County, New Mexico and the Cuatro Villas Mutual Domestic Water Users Association Concerning Joint Efforts to Provide Regional Water Transmission**

Facilities to Serve the Communities of Arroyo Seco, Cuarteles, Sombrillo, and La Puebla

5. **Approval of First Amendment to the Joint Powers Agreement Between the Board of County Commissioners of Santa Fe County, New Mexico and the Town of Edgewood to Financially Assist the Town to Expand the Waste Water Collection System to Serve Certain Santa Fe County Owned Facilities (Increasing Contribution of County By \$100,000)**

B. Budget Adjustments

1. **Resolution No. 2010-182. A Resolution for an Increase to the General Fund (101) for Cash Carryover for Marketing and Public Relations for Santa Fe County**
2. **Resolution No. 2010-183. A Resolution to Carry Forward Funds From Fiscal Year 2010 for the Madrid Ball Park in the Amount of \$10,726 (Community Services Department)**

VIII. APPROVAL OF MINUTES

- A. **Approval of July 8, 2009 Joint Santa Fe City Council/County Commission Meeting Minutes**

CHAIRMAN MONTOYA: We have some from a year ago. Right?

VALERIE ESPINOZA (County Clerk): That's right, Mr. Chair. From the City that were not approved.

CHAIRMAN MONTOYA: Okay. And this was a joint Santa Fe City Council-Santa Fe County Commission meeting for July 8 2009.

COMMISSIONER HOLIAN: Move for approval.

CHAIRMAN MONTOYA: Motion by Commissioner Holian.

COMMISSIONER STEFANICS: I'll second.

CHAIRMAN MONTOYA: Second by Commissioner Stefanics. Any discussion?

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

- B. **Approval of September 14, 2010 BCC Minutes**

COMMISSIONER ANAYA: So moved.

CHAIRMAN MONTOYA: Motion by Commissioner Anaya.

COMMISSIONER STEFANICS: Second.

CHAIRMAN MONTOYA: Second by Commissioner Stefanics. Any

SFC CLERK RECORDING DEPARTMENT 10/13/2011

discussion?

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

IX. SPECIAL PRESENTATIONS

A. Presentation by Research and Polling on the County's Recent Priority Survey

CHAIRMAN MONTROYA: We have a presentation this afternoon by – is it staff or is it actually Research and Polling? Research and Polling. Okay. This is a survey that we recently did in terms of the Commission asking what are some of the priorities that we feel we need to start focusing on in terms of policy and budget. So go ahead.

MATT HUGHES: Thank you, Mr. Chair. Thank you, Commissioners. My name is Matt Hughes. I'm Senior Vice President of Research and Polling, and I'll be presenting the results of the priority survey today. You have before you a handout that summarizes the results. *[Exhibit 2]* On the second page I'd like to start out just by going over the methodology we use. Overall, the objective of this study was to assess what county residents living outside the city limits of Santa Fe believe to be the highest priorities when making budgetary decisions. This survey also addressed what programs or services residents should be considered for budget reductions. We completed 709 telephone interviews among a random sample of residents living outside the city limits of Santa Fe. The interviews were completed by telephone. They were completed between June 11 and June 24th of this year.

A random sample of 709 has a maximum margin of error of plus or minus 3.7 percent and a 95 percent confidence level. And one of the objectives of the County was to look at the results by region, so we created four different regions based on zip code. We set quotas at the zip code level to make sure that each zip code received its proportional share of surveys, and then we created four different regions. These regions were the north, which is basically the zip codes north of the City of Santa Fe. Also the west-central region, the east central region, and the southern region, which is basically everything below 87508.

On the third page of your handout, we started off the survey by asking unaided, open-ended questions. We asked what are the biggest issues or problems facing the residents of Santa Fe County at this time. We just wanted top of the mind responses. We didn't read any categories. So when asked unaided 17 percent of the residents mentioned roads. This was a top issue or concern for residents of the county. Second most frequently mentioned was water shortages or water supply with 13 percent, and then followed by education system is poor with 10 percent, weak economy by 9 percent and unemployment by 8 percent. These were just the top eight responses that we gave for your summary. There were many others that were given. They can be found in the full report that we have provided to the County.

In addition to asking about the biggest issues or concerns for the County we also asked in an unaided manner, thinking about future County budgets, what do you feel are the

highest priorities for the residents of Santa Fe County? Again, this was top of mind awareness, top of mine answers. Roads and improvements were again mentioned most frequently with 27 percent, followed by improving education with 26 percent, Sheriff protection was mentioned by 12 percent of the residents, reducing crime/public safety was mentioned by 10 percent, and fire protection was mentioned by 9 percent. It should be noted that residents in the southern region, 40 percent mentioned roads, so roads are a bigger top of mind issue for the residents down south.

So in addition to asking residents in an open-ended manner what are the biggest priorities we read a list of different programs and services that are currently available to the county and we wanted residents to rate how much of a priority each one of these should be in making budgetary decisions. These ratings were based on a five-point scale where five is a very high priority and one is a very low priority. And if you turn to page 5 of your handout this summarizes all the scores of 4 and 5, which are high priorities for each of the programs and services that we tested. So as you can see, 83 percent of the residents say that water conservation programs are a high priority. This is a combined score of 4 or 5. 59 percent of the residents said that water conservation was a very high priority.

Water conservation was followed closely by programs for services for youth, which 73 percent of the residents said was a high priority. Renewable energy initiatives were rated highly by 70 percent, and County-run services for seniors was rated as a high priority by 72 percent. If you look down on the list you can see that less than 2/5 of the residents rated graffiti removal as a high priority, just 39 percent. 33 percent said that County satellite offices in Edgewood, Pojoaque and Eldorado is a high priority, and 23 percent said the filming and radio broadcasts of County Commission meetings is a high priority.

The next page – basically, I've broken out the different priorities into three different tiers and these are the combined scores of 4 and 5, so that first tier of those that are considered to be the highest priorities, and again we have water conservation programs and services for youth, services for seniors, and renewable energy. That second tier, these are also rated highly by the majority of residents and these include parks and recreation, library services, economic development programs, solid waste transfer stations, and the County mobile health van.

Now the third tier, these were each rated as a high priority by less than half of the residents we surveyed. And these included community planning programs, just 49 percent, youth detention center, teen court, purchase and maintenance of open space, graffiti removal, County satellite offices and the filming and broadcast of the County Commission meetings.

The next page, page 7 in your handout, this as I talked about earlier wanted to look at the breakout of different regions, so this shows the combined scores of 4 and 5 at the total sample level. It also shows the scores for each individual region. And so just to read it real quickly, if you look at the programs and services for youth, overall, 73 percent of the residents said this is a high priority, but among residents in the west-central region, 81 percent said it's a high priority. In the east-central, 70 percent, in the south 73 percent and in the north 71 percent. Really the biggest difference we found at the regional level was for the

County satellite offices. If you look down towards the bottom of the page you can see there that in the south 63 percent said that this is a high priority. In comparison, just 30 percent in the north, 29 percent in the east-central, and 21 percent of the residents in the west-central said this was a high priority. So clearly the satellite offices are more important to the southern residents than others.

If you look on the next page of your handout, page 8, we reread the entire list of programs and services, and we basically asked residents: Should the County consider or not consider reducing or cutting funding for each of the programs and services. We informed them that the County is facing budget deficits and is going to have to make some hard decisions, so what did the residents feel the County should or should not consider cutting.

As you can see, 82 percent said that the County should consider cutting the filming and radio broadcasts of County Commission meetings. 71 percent said the County should consider cutting or reduction in budget for the County's satellite offices. 65 percent said the County should consider cuts in the purchase and maintenance of open space, and 62 percent said the County should consider cuts in graffiti removal. 50 percent said the County should consider cuts in community planning programs.

For the rest of the programs and services less than half of the residents felt the County should consider making those types of cuts. At the very bottom of the list you'll see that for instance, for County run services for seniors, just 21 percent felt that the County should consider cuts. 20 percent felt the County should consider cuts for programs and services for youth, and just 19 percent said the County should consider cuts or reductions in water conservation programs.

The final page basically shows the same percentage of residents who say the County should consider cuts for each program and services, and then it breaks it out again by the different regions. One thing of note for the County's satellite offices, while 77 percent in the east-central region and 76 percent in the west-central region said the County should consider cuts or reductions in those areas it falls to 62 percent in the south and 65 percent in the north.

And that's sort of a brief summary of a long survey. Do you have any questions for me?

CHAIRMAN MONTOYA: Thank you, Matt. Any questions for Mr. Hughes?

COMMISSIONER STEFANICS: Mr. Chair.

CHAIRMAN MONTOYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you very much for the summary.

Were you yourself involved in any of these telephone conversations?

MR. HUGHES: No, I was not. I wrote the survey and did the analysis.

COMMISSIONER STEFANICS: Okay. Did your surveyors report any other types of comments that might have come from people that were called?

MR. HUGHES: No, not really. We had one additional question at the very end of the survey which I didn't include in this presentation. We asked do you have any other suggestions for cuts in services, and basically it was things like cut administration. Four percent of the people said cut administration and the vast majority did not give any other

ideas as to what should be cut.

COMMISSIONER STEFANICS: Okay. Thank you very much and I'd like to thank this opportunity to thank those people out in the county who did respond to this survey. Sometimes people get phone calls and they hang up on the person or they say I'm too busy, but I really appreciate people in the county responding to this.

CHAIRMAN MONTOYA: One question I had regarding – and I don't know if you know the specifics on the satellite offices, was Edgewood and Eldorado combined for the south? Or do you know how that was –

MR. HUGHES: No, Eldorado was separate from the south.

CHAIRMAN MONTOYA: Okay, so the south meaning Edgewood.

MR. HUGHES: Edgewood, Stanley. Because basically the south was everything south of the 87508 zip code, which includes Eldorado.

CHAIRMAN MONTOYA: Yes.

COMMISSIONER STEFANICS: So, Mr. Chair, on that point, is Eldorado considered west? East-central?

MR. HUGHES: Yes.

COMMISSIONER STEFANICS: And then where does east and west-central, what's the dividing line there?

MR. HUGHES: Basically we used the Eldorado zip code. That was considered east-central because Eldorado is slightly east of the city. It wasn't perfect because the zip code is such a large zip code and there's very little population in the west of that zip code.

COMMISSIONER STEFANICS: So where I'm going with this is Airport Road and La Cienega then would be west-central.

MR. HUGHES: Yes.

COMMISSIONER STEFANICS: Okay. Thank you.

CHAIRMAN MONTOYA: And the reason that I asked that question is because the percentage in my district is low and the percentage in the south is high, particularly when you look at the number of our constituents, our residents, that are going to those particular satellite offices. It's two to one, three to one that the volume of traffic that we have in the north as opposed to the south. So does that mean that maybe there wasn't as large a sample of north respondents?

MR. HUGHES: Basically, the way the samples broke out is they were pretty evenly distributed and it's just the way the population of the county falls. I think that the north had slightly less than everyone else but it was still, we had about 180 surveys there. So each one had a big enough survey. We wanted to be able to look at the regions with accuracy. That's one of the reasons why we have such a large sample to begin with, that 700. Normally, if you just wanted to do a countywide and you didn't want to break out those results by region, you could have done 400, but 700 allowed us to make those breaks at the geographic level and look at each region with accuracy. And the margin of error within each region will go up because the sample size within each region is smaller.

CHAIRMAN MONTOYA: Okay. Commissioner Holian.

SFC CLERK SHERI HARRIS RECORDED 10/13/2011

COMMISSIONER HOLIAN: Thank you, Mr. Chair. Thank you, Matt. This is really interesting and valuable and I want to make a special point of how important water is. That really came out loud and clear, I thought. How did you decide, when you were coming up with the 15 or 16 services that the County provides, how did you come up with that list, because we provide other services as well. So why that list?

MR. HUGHES: We worked with the County staff and the staff had sent that list. We didn't test certain things like roads and public safety because we knew they would score so high and for brevity of the survey, and we knew they would be such a high priority we didn't include certain things. So a list was provided to us in working with staff.

COMMISSIONER HOLIAN: Okay. Thank you.

CHAIRMAN MONTOYA: Okay. Matt, thank you. Appreciate the work that you all did on this and certainly it's going to help us when we have to make some tough decisions here concerning budgets again. Definitely. Thank you. Staff, did you have anything? Katherine or Steve on this?

MS. MILLER: Mr. Chair, no. I thought it would be helpful for you to get a summary presented rather than having to read through the whole survey but I do believe that you were all provided copies of the full survey as well and if not, we can get some for you.

CHAIRMAN MONTOYA: I think we all got this.

COMMISSIONER STEFANICS: Yes, and Mr. Chair, a question. Are the survey results also posted on the website?

MS. MILLER: Yes. These have been posted on the website.

COMMISSIONER STEFANICS: Okay. That's great. Because I think there are some individuals in the media as well as some members of the public who were interested in the results so I'd like to make sure everybody knows they can get that information publicly. Thank you.

CHAIRMAN MONTOYA: Commissioner Anaya.

COMMISSIONER ANAYA: Thank you, Mr. Chair. Now what are we going to do with this survey?

MS. MILLER: Mr. Chair, Commissioner Anaya, we are going through and reviewing the budget each month and we will have a mid-year budget review. That will probably actually happen prior to January, because as Commissioner Stefanics mentioned at the last meeting, if we do have to make additional cuts, implementing those in say, February, would be an awful short timeframe to make additional savings, but we're going to use this information if we do need to make additional cuts, to give recommendations to the Commission.

COMMISSIONER ANAYA: Thank you, Mr. Chair. And I'd also like to recognize the Mayor from Edgewood is here, Bob Stearling is in the audience. Mayor, thanks for coming. And I recognize former Commissioner Jack Sullivan in the back there. Thank you, Mr. Chair.

CHAIRMAN MONTOYA: Thank you, Commissioner Anaya, and welcome to both former Commissioner Sullivan and Mayor. Thank you for being here.

X. MATTERS OF PUBLIC CONCERN –NON-ACTION ITEMS

CHAIRMAN MONTOYA: These are non-action items where we ask people that may have something to say and bring forth to the Commission that is not on the agenda, if you'd please come forth.

BILL MOULTON: My name is Bill Moulton. I've been a long-term resident here in Santa Fe and I would like to speak out on a matter that is happening in Los Alamos. There's a building being built in Los Alamos. It's called CMRR. It's an NF, nuclear facility which is a building that even at the beginning of the year it was estimated to be \$3.4 billion. Right now it has inflated the price by 15 percent per month. Right now it's at \$5.5 billion. It's a large facility that is made for nuclear weapons design and it involves – the price tag reflects thousands of cement trucks, also volcanic ash that is going to come back out of the hole that they are putting in there in Los Alamos.

It would require tens of thousands, maybe 100,000 trucks going up and down the hill. It will certainly impact the health effects and quality of living in this area in Santa Fe and I would – an EIS, an environmental impact statement that was done in the year 2003 when this project was still a \$300 million project. Right now it's at \$5.5 billion. I think that the County of Santa Fe ought to request a new EIS for this project so that the county and also the different pueblos are fully informed as to what is going in there, how it is going to affect the water, how it's going to affect the air, what kind of activities are going to happen in that building and protect the citizens of Santa Fe and the Santa Fe County. Thank you very much.

CHAIRMAN MONTOYA: Thank you, Bill. Appreciate it. Okay, is there anyone else that has anything that they'd like to bring forth to the Commission?

XI. MATTERS FROM THE COMMISSION

A. Resolution No. 2010-184. A Resolution Supporting the Housing America Campaign and Proclaiming October Housing America Month (Commissioner Vigil)

COMMISSIONER HOLIAN: Thank you, Mr. Chair. October is National Housing America Month, and Commissioner Vigil brought this resolution forward in recognition of this. She, however, is on a long overdue and well deserved vacation so she asked me to pinch hit for her. I thought that I would read the resolution first and then the resolution that we have has a lot of interesting facts and figures about national housing statistics. And then I would like to ask Dodi Salazar, who is our Housing Administrator in Santa Fe County to come forward to give us some information about our own area.

This is a resolution to request approval for supporting the Housing America Campaign and proclaiming October Housing America Month.

Whereas, for more than 70 years, it has been the policy of this nation, under the US

Housing Act to promote the general welfare of the nation by employing its funds to assist the several states and their political subdivisions to remedy the unsafe and unsanitary housing conditions and the critical shortage of decent, safe and sanitary dwellings for families of lower income; and

Whereas, according to the "State of the Nation's Housing" report, 15.6 million households now pay more than half of their income for housing; and

Whereas, according to current estimates, on any given night, there are nearly 750,000 homeless nationwide and up to 3.5 million persons who experience homelessness at some point throughout the year; and

Whereas, according to the National Low-Income Housing Coalition's "Out of Reach" report, minimum wage earners are unable to afford even a one-bedroom home anywhere in the country and 88% of renters in cities live in areas where the fair market rent for a two-bedroom rental is not affordable even with two minimum wage jobs; and

Whereas, according to the National Housing Conference, health care workers and many other working professionals are priced out of homeownership in the majority of U.S. metropolitan areas nationwide; and

Whereas, according to the Housing Assistance Council, 1.7 million (6.3 percent) of rural homes were considered substandard in 2005; and

Whereas public housing is home to over 2 million people, more than 40 percent of whom are children, and faces an estimated \$18 billion - \$20 billion backlog in capital repairs; and

Whereas, the National Association of Housing and Redevelopment Officials; American Federation of State, County and Municipal Employees; Council of Large Public Housing Authorities; Enterprise Community Partners; Habitat for Humanity International, Housing Assistance Council; Local Initiatives Support Corporation; Manufactured Housing Institute; Mortgage Bankers Association; National Association of Counties; National Affordable Housing Management Association; National Association of Home Builders; National Association of Realtors; National Council of State Housing Agencies; National Housing Conference; National Housing Trust; National League of Cities; National Leased Housing Association; National Low-Income Housing Coalition; Public Housing Authorities Directors Association; and U.S. Conference of Mayors are united in an effort to raise public awareness of the importance of affordable housing and community development programs and resources; and

Whereas, the aforementioned groups have declared October Housing America Month, part of a year-long, national campaign to inform the public and decision makers of the critical need to address the nation's housing and community development concerns; and

Now, therefore, be it resolved that Santa Fe County has, over a period of many years, made an effort to address affordable housing and community development needs and has been successful in doing so using a combination of local, state and federal resources, and therefore, the Board of County Commissioners of Santa Fe County hereby endorses the Housing America Campaign, its goals, objectives and purposes and in doing so, recommits

itself to meeting the affordable housing and community development needs of the community.

Approved, adopted and passed this 12th day of October, 2010.

I move for approval.

COMMISSIONER STEFANICS: Second.

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

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

DODI SALAZAR (Housing Director): Mr. Chair, Commissioners, thank you so much for bringing this resolution forward. As the resolution states, this campaign is an effort to educate the public and decision makers about the importance of affordable housing and community development programs as well as the challenges facing these programs in the community.

The resolution gives an overview of national statistics, as Commissioner Holian stated, and I would like to talk a little bit about the local statistics. Based on information received from the Coalition to End Homelessness, on any given night there are approximately 917 homeless people in Santa Fe and only 314 beds. Other compelling statistics on homelessness shows that 55 percent of homeless people begin their homelessness as children. Homelessness greatly shortens an individual's life expectancy with various studies showing average lifespans of long-term homeless people at between 42 and 52 years of age. Homeless people are four times more likely to die than housed people of the same age.

Information compiled from the two local housing authorities reveal that a total of 721 public housing units are available in Santa Fe. That includes both the city and the county. 521 of those are located in the city and 200 are in the county. There are 933 Section 8 vouchers available. 638 are city vouchers and 295 are county vouchers. There are currently 2,240 families on the waiting list for housing assistance. 666 are on the City's waiting list, and 1,574 are on the County's waiting list.

Of the families currently residing in public housing with the Santa Fe County Housing Authority, seven percent have no income. 79 percent are extremely low income. That means 30 percent are below the area median income or less than \$19,800 income per year. Ten percent are very low income, which are families at 50 percent or below of the area median income, with less than \$33,000 of income per year, and three percent are low income, meaning they have 80 percent or below of the area median income, or less than \$52,800 per year. And we only have one family that is a market family, and their income is about \$79,000 per year.

Based on the 2008 housing needs assessment, 25 percent of homeowners and 42 percent of renters are cost burdened, paying more than 30 percent of their income towards either their mortgage or their rent in Santa Fe. According to information just released from the Board of Realtors, the median price of a home is currently \$395,000 in Santa Fe, but the

median income remains at approximately \$58,000. These statistics clearly indicate the need for additional affordable housing and community development programs in our community.

One thing I did want to share with you is as part of the Housing America campaign the Housing Authority sponsored a poster contest: What home means to me. The poster contest was a national a state NAHRO Initiative. We had a total of 27 County housing youth submit posters for this contest. Statewide there were a total of 36, so we're quite impressed that 27 of them came from Santa Fe County.

The posters were really touching, and it's amazing that even children realize the importance of having a home of their own. I would like to share those posters with you some time in the future. Perhaps we can post them in here and as we have a meeting maybe people can look at them. They were truly, truly touching.

Thank you for giving the opportunity and for moving this resolution forward. Thank you.

CHAIRMAN MONTOYA: Okay. Thank you, Dodi, and for the record that was Resolution No. 2010-184.

XI. B. Recognition of Santa Fe County Satellite Office Employees for Their Services (Commissioner Montoya)

CHAIRMAN MONTOYA: I'd like to ask those employees who are here from the satellite offices if they'd please come forward and Agnes, if you want to go ahead.

AGNES LOPEZ (Deputy Community Services Director): Hell, Commissioners. I'm here today to honor the satellite office staff that made the offices so successful. The satellite offices were opened in the fall and the spring of 2007 with the Commission support, and we posted the positions and we hired the three main employees for each of the satellite offices and an alternate for each of them. Each of those employees made a contribution in different ways, but they were all very wonderful employees, and I'd like them to come up as I say your name. Alva Holden was not able to be here today. She is a new grandmother, as is Chief Holden. They had a new granddaughter, I believe. But Alva, when she took over the Edgewood office, Alva took it upon herself to make sure that everybody logged in and mentioned what they were there for. She created great graphs and submitted those. And that's kind of what evolved into the report that you guys get quarterly. So that was Alva's contribution.

We also hired Pauline McClendon, who was also not able to be here today, and she was the alternate at the Edgewood office. Vicky Sullivan – Vicky was hired to work at the Eldorado office and had the additional challenge of being at a senior center. Vicky, of her own initiative took care of all the constituents' requests, but also helped heavily with the health department, taking care of the needs of the seniors at that office.

Mr. Robert Barnes, he was with us just a couple of months before we had to let him go and Mr. Robert Barnes is the husband of Kathy Berkeley who works for the Health

SFC CLERK/REGISTRATION/RECORDS/INFORMATION/10/12/2011

Department. He was also extremely helpful and I think he really enjoyed his job.

Edward Medina, we hired Edward Medina for the Pojoaque office and he is one of the most conscientious people I've ever worked with. In fact on his last day I went to go say good bye to him and he told me, Agnes, you have to know that whoever takes over this office really has to care about the people. And Edward really cared about the people. He helped them in so many ways and he was a wonderful employee.

Mary Peters was hired as the alternate for Edward at the Pojoaque satellite office and Mary was quite an asset for us and she used to sell permits as a permanent employee in the Finance Department. I think she retired with 25 years. So Mary kind of pioneered the whole permitting system and go it to what it is today. So she was quite an asset at the Pojoaque satellite office.

Those are our people and I personally want to thank them for all the hard work that they did. They just put their heart and soul in the constituents of Santa Fe County. Thank you.

CHAIRMAN MONTOYA: Commissioner Sullivan, you have to stay for the rest of the meeting. Thanks for coming. Just before they all walk out I just want to say that these are the employees that really, in terms of helping Santa Fe County came to help the dream come true in terms of providing the service and putting the service out in the community where we would have people in satellite offices. So really they were the pioneers and we will continue to have these satellite offices open and staffed by current employees. But again, thank you all for making this program a real success, especially for the constituents of Santa Fe County. Thank you.

XI. C. Resolution No. 2010-185. A Resolution Supporting the Proposal by New Mexico Energy, Minerals and Natural Resources Department to Purchase the Ortiz Mountain Ranch to Create a 12,142-Acre State Park (Commission)

COMMISSIONER ANAYA: Thank you, Mr. Chair. I know that we heard from the New Mexico Energy and Minerals Department the last meeting that we had and they spoke about it and what he wanted to do with it and have a wild horse park out there. So we asked staff to bring a resolution forward and this is the resolution. I would go ahead and move for approval on it.

CHAIRMAN MONTOYA: Okay, we have a motion by Commissioner Anaya.

COMMISSIONER STEFANICS: Second.

CHAIRMAN MONTOYA: Second by Commissioner Stefanics. Discussion?
Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. Well, obviously I think this purchase is really good for the people of Santa Fe. It's going to provide a lot of new, interesting recreational opportunities. I think it's good for our tourists. We have sort of a budding ecotourism movement now in our community and it will be ideal for that. Also the

Santa Fe County Board of County Commissioners Meeting 10/13/2010

subject or wild horses, while it's not mentioned in our resolution is near and dear to my heart and I'm a big supporter of that. I know we can make a program that's a model for the entire country for humane treatment of wild horses and I really want to see that happen.

Now, I've had a couple of concerns expressed to me from people in the community about the maintenance of the park and they suggested a couple of other whereases for the resolution. So I would just like to read them, and then get feedback from the other Commissioners as to how they feel about them.

Whereas, the Ortiz Mountain Ranch parcels are proposed to become an annex of the Cerrillos Hills State Park, approximately 15 miles away, which is a County open space property now managed by State Parks; and

Whereas, funding for state parks management has been recently decreased it is imperative that sufficient additional management funds be procured by the state for separate management personnel and operational funds so that the County-owned portion of Cerrillos Hills State Park management is not lessened in any way.

So comments?

CHAIRMAN MONTOYA: Maker.

COMMISSIONER ANAYA: I don't have a problem with it.

CHAIRMAN MONTOYA: Seconder.

COMMISSIONER STEFANICS: If it's fine with the sponsor it's fine with me. I don't really think it's necessary, because I think that everybody is aware that funds are really tight right now in terms of operations and in terms of construction and development of trails, etc. So if the sponsor wants to add it I'm fine with it but I do think that everybody's aware of the economic times.

COMMISSIONER ANAYA: I'm okay with it, and I'm aware of economic times.

CHAIRMAN MONTOYA: Okay. So we will amend the resolution to include those two whereases? Okay. Any other discussion? And this is 185.

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

COMMISSIONER ANAYA: I think she would like to say a few words.

PATIENCE O'DOWD: Honorable Chair, Commissioners, I want to commend you highly for your vote today. I think that in these hard economic times anybody who doesn't recognize that tourism is our number one private sector employer hasn't really looked into the issue of jobs. And I want to commend you for voting on this resolution and I would like to say that there are a number of NGOs, non-governmental operations, non-profits, that will be glad to help out with management of the park, the trails, the horses, and so thank you for your moving forward today on something that will actually help jobs. I know it's something that has been purported as a large expenditure when each individual county has received – like smaller counties like Rio Arriba County has received \$39 million of stimulus funds. Bigger counties like Bernalillo have received \$254 million, and I think that this small,

FILED CLERK OF COUNTY COMMISSIONERS OCT 13 2010

\$2 million-something will create jobs for perpetuity around the state because it will attract people from all over the world to see wild horses all over the state. So it's going to help Santa Fe and it's going to help the rest of the state. Thank you for your vote.

I'm Patience O'Dowd and I'm president of the Wild Horses Observers Association, and we're based in Placitas, but we're a state and national group as well.

CHAIRMAN MONTOYA: Okay. Thank you. Appreciate it.

XI. D. Resolution No. 2010-186. A Resolution Opposing the United States Air Force Establishing a Low Altitude Tactical Navigation Area in Northern New Mexico (Commissioner Montoya & Commissioner Stefanics)

COMMISSIONER STEFANICS: Do you want to move it and I'll second and we could explain.

CHAIRMAN MONTOYA: I'll go ahead and move for approval of this Resolution No. 2010-186. As I stated earlier this is a resolution opposing the United States Air Force in establishing a low-altitude tactical navigation training area in northern New Mexico.

COMMISSIONER STEFANICS: I'll second. Mr. Chair, the reason I was very concerned about this is primarily, I grew up in a neighborhood that had low-level flights all day long and all night long. And as children we also were taught about the cold war and hiding under our desks and protecting ourselves. So oftentimes when the planes came, we didn't know what was happening, if it was something that was going to be dangerous.

Now, I think that today, there is not that sense of alarm in our country or in some of our neighborhoods, but when you hear 500 feet and you hear 200 feet, that's pretty low going over neighborhoods. And it wasn't just weekdays, it was also weeknights. So I am concerned about our residents, I'm concerned about our livestock and I'm concerned about the wildlife. So for that reason I was very interested in cosponsoring. I do understand there have been attempts in the past to have some of these routes in other areas but I do think we want to express to the citizens of Santa Fe County that we're concerned and watching out for them.

I've received numerous phone calls and emails against the flight patterns. I only received one phone call supporting the flight patterns. So I think that tells us something about where the sentiment of the community is. Thank you.

CHAIRMAN MONTOYA: Okay. Commissioner Anaya.

COMMISSIONER ANAYA: I haven't seen the flight pattern. When they say northern New Mexico, what are they talking about? Is it just from the air force base in Clovis straight up or - I'm not sure.

CHAIRMAN MONTOYA: Yes. It would emanate out of Cannon Air Force Base and they would essentially use the whole corridor from essentially Albuquerque all the way up to even southern Colorado. I know that Congressman Salazar up in southern Colorado is asking for the air force to conduct additional hearings so that they can also get

some feedback in terms of the impacts that they see which are similar to the impacts that Commissioner Stefanics and the resolution mention.

COMMISSIONER ANAYA: I notice it has 688 flights annually. I could see that to be a concern, but it's hard for me to say oppose the United State Air Force low altitude navigation training when we depend on them to protect our country. We're saying, yes, we need you to protect our country but not in my backyard. I understand what you all are trying to do here, but what are we trying to do? Push it into somebody else's? And I too am concerned about the public and the animals and the wildlife, but are we sending the right message that we want to say no, not here, because Santa Fe is a special place? And it is a special place, but there are a lot of special places in New Mexico. I think we've got to be careful on how we pass these resolutions. I could be against them three times a day every day, but these guys got to train in these high altitudes in the northern in order for them to protect us when they go somewhere else. It's hard for me to just say no to our air force base that is trying to protect New Mexicans. Thank you, Mr. Chair.

CHAIRMAN MONTROYA: There are other sites being proposed that include North Dakota, South Dakota, Montana and Wyoming. So New Mexico is not the only state that is being targeted. As well as Colorado for these types of training flights and training exercises. And one of the things that I do feel we have in terms of here in Santa Fe we have many national and international visitors who come as a result of the type of lifestyle, the tranquil environment that we have in Santa Fe. We have people that come here nationally and internationally for the skiing. We just recently completed the hot air balloon festival. So a lot of things that the impact of these training exercises would have in our community and our state are the reason why we're asking that the air force look at other possible alternatives rather than northern New Mexico. We have a lot of people who are farmers, ranchers. It could impact their cows, their ranches, the wildlife that we have in terms of the elk and everything else we have for hunting purposes will also certainly be impacted.

So for those reasons and we just know that Santa Fe is known for its rich cultural and historical significance that we have in this country. So those are the reasons that we ask they look at alternative sites. So any other comments?

CHAIRMAN MONTROYA: Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, I had a conversation with Colonel Pena with the National Guard and he stated that he didn't want this to burden the National Guard that has trainings and possibly life-saving trainings that they use in the northern part of New Mexico and he didn't want that to be a part of this. Thank you, Mr. Chair.

CHAIRMAN MONTROYA: You're welcome, Commissioner Anaya, and you can assure him that this will not impact those types of rescue services. Any other discussion?

The motion passed by majority [3-1] voice vote with Commissioner Anaya casting the nay vote.

XI. E. Resolution No. 2010-187. A Resolution Banning Synthetic Marijuana Products (Commissioner Montoya)

COMMISSIONER HOLIAN: This is a resolution that I will take the lead on as well. What we're looking at in this particular resolution is banning what is an incense coated synthetic marijuana that basically, at this point, circumvents all of the Food and Drug Administration requirements. This substance or this incense is winding up in store counters and more unfortunately in the lungs of the customers that purchase this particular item. This incense goes by the name of Spice, and there's other variations on that name that include K-2, Pep, Zoi, Yucatan Fire and Genie. They have already been banned, these substances have already been banned in eight states and similar legislation is intended in several other counties as well.

When we look at these synthetic products that circumvent the Food and Drug Administration and their regulatory requirements and then have DEA on the other side that is supposed to effectively implement the requirements that are coming out for any of these so-called substances that are controlled, this one doesn't fall under DEA jurisdiction, nor has it been approved under the FDA, but it's still making it out there into people's hands. Is there anyone here that was going to know or want to say anything else about this particular item? Jennifer? No.

Because I know that this is something that when we look at the Poison Control Centers that have been receiving calls, as of August 25th of this year Poison Control Centers reported 1109 calls about the Spice products and this was about over 52 calls in the previous five days of that August 25th date. So we looked at what we're trying to do here is prevent the sale and ban the sale of this product in Santa Fe County. Alice.

ALICE SEELEY (Teen Court Coordinator): Mr. Chair, Commissioners, just real briefly, I'm not an expert on this subject but it is something we are greatly concerned about and it is something I keep hearing about over and over again, so it is getting into more common usage. We are greatly concerned about it at Teen Court and therefore we would support that. Thank you.

CHAIRMAN MONTOYA: Thank you, Alice. Okay, any discussion on this? Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. I just have a question. So this is not regulated by the FDA in any way?

CHAIRMAN MONTOYA: Correct.

COMMISSIONER HOLIAN: Even with the strong effects that it has?

CHAIRMAN MONTOYA: Yes. There's no regulation on it at all.

MR. ROSS: Mr. Chair, the only question I have is this is styled as a resolution and it seems to me a ban would probably be something you would want to do by ordinance. So you might want to consider that as we go through this. We could easily draft one up and present it next month. I understand the intent here.

CHAIRMAN MONTOYA: Okay. So if we could do that then for next month.

MR. ROSS: Yes. I'll take care of that. Thank you, Steve.

COMMISSIONER STEFANICS: Mr. Chair.

CHAIRMAN MONTOYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: I'm in support of this resolution and I'm concerned about synthetics in particular. But Steve, why would we not just want to – why would the County want its own ordinance and not just following state law?

MR. ROSS: Mr. Chair, Commissioner Stefanics, of course that's something we'd look into if we drafted an ordinance. The first thing we would do is look at state law and see if the substances are already banned. If not there would be room for us to legislate, but if there are we'd be largely pre-emptive. But that's the inquiry that we would go through in drafting an ordinance. Also federal law is relevant.

COMMISSIONER STEFANICS: Okay. Thank you.

CHAIRMAN MONTOYA: Okay. Any other discussion? I would make a motion for approval.

COMMISSIONER HOLIAN: Second.

CHAIRMAN MONTOYA: Motion by myself, second by Commissioner Holian.

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

CHAIRMAN MONTOYA: Motion passes 4-0 and we will move forward with getting an ordinance drafted for next month. Thank you.

XI. F. Consideration and Approval of Joint Powers Agreement Establishing the Regional Coalition of LANL Communities By and Among the Incorporated County of Los Alamos, the City of Santa Fe, Santa Fe County, the City of Espanola, Rio Arriba County, the Town of Taos and Taos County (Commissioner Holian)

COMMISSIONER HOLIAN: Thank you very much, Mr. Chair. We've talked about the Regional Coalition of LANL Communities quite a bit here on the Board but today I am actually bringing forth the joint powers agreement. And just to remind you what the main purposes of the Regional Coalition are, number 1, economic development in our region, especially as it relates to work that is done at Los Alamos lab. Number 2, communication about cleanup activities. I think everybody in our region is very concerned about that and it's ongoing and I think it's really important to have communication with Los Alamos. Number 3, to evaluate and possibly lobby on any kind of legislation at the federal level which is related to LANL in any way and that affects our communities.

So you have read the participants in the joint powers agreement. I will just add that four have signed so far. Los Alamos County, Espanola, Rio Arriba County and Taos County

have. And the Town of Taos would have signed except their last meeting was taken up with the low altitude flyover issue.

So I would also like to point out that we have had other attendees at the meetings that we've had over the course of the last year. We've almost always had representatives from Senator Bingaman's, Senator Udall's and Representative Lujan's office. Also recently Governor Richard Vigil from Tesuque Pueblo or the Lt. Governor have attended. Also Monica Abeyta has conducted outreach to most, if not all by this time, of the 11 pueblos in northern New Mexico. And she's made a presentation to the Eight Northern Pueblos Council. I would have to say there is a lot of interest on the part of the pueblos in participating in some ways. It's not clear whether they will actually become part of the JPA or just simply attend the meetings and participate in the conversation.

Also I will add that our congressional delegation is very excited about this JPA. They find it very helpful to have communities speaking with a united voice on important issues, and the lab is certainly a very important issue, so they are very supportive. I would like to recognize that Councilor Robert Gibson from Los Alamos is here and I would like to invite him forward to say a few words if I could.

CHAIRMAN MONTROYA: Sir, do you want to come forward? I apologize for not seeing you back there. Or did you just walk in?

ROBERT GIBSON: Mr. Chair, Commissioners, no, I came to enjoy the entire meeting. Thank you very much. This, as Commissioner Holian has indicated, this has been an effort underway for – really it started almost two years ago and seriously for the last – a little bit around a year, roughly, to improve communication amongst all of the governments, both local and tribal within the region surrounding the Los Alamos National Laboratory. As was pointed out, the laboratory being a very major institution has a huge impact on the region. It would be to everyone's benefit, we believe, to have more communication amongst ourselves at the lower level on the various issues and certainly the congressional delegation is looking forward to improved communication locally and hopefully to see us acting more as a region with respect to issues surrounding the laboratory.

The original idea for this actually did come from the congressional delegation as they looked at how other communities surround other Department of Energy and Department of Defense facilities, interact with the federal government with respect to their facilities and there are a number of examples both in this state and elsewhere where the region has been much more effective, really, in speaking with a single, unified voice to the delegation and to the respective departments, executive departments concerning the installation. And they look forward to that occurring here if we can pull it off, and I think the increased regionalization that we have seen in other areas with the RDC, the RTD, etc. can be broadened with this coalition to enable better communication regionally and more coordinated action regionally on this very major component of our region, our economy and one of our largest employers. And I'd be happy to address any questions that I can, although Commissioner Holian has been very much involved with this process too and I'm sure is very capable of addressing them also. Thank you, Mr. Chair.

CHAIRMAN MONTOYA: Thank you, Councilor Gibson. I appreciate your being here. Commissioner Stefanics.

COMMISSIONER STEFANICS: Mr. Chair, I have some questions for the sponsor. If the County of Santa Fe entered into this agreement and then we found ourselves to be at odds with some activity of the labs, how would we reconcile that?

COMMISSIONER HOLIAN: Mr. Chair, Commissioner Stefanics, we have discussed that issue. I think that the feeling was that we would try to work on issues that were consensus issues, but if there were a controversial topic which we were in disagreement with it would go by majority vote, I believe, of the coalition, but the dissenting body or bodies could then write a dissenting opinion.

COMMISSIONER STEFANICS: Well, Mr. Chair, the reason I bring this up is it looks like it's related to economic development, environmental cleanup and coordinated communication efforts. And I'm looking at the memo. Now, we just heard in the public comment period a gentleman who expressed some concern about the new \$3-something billion facility that's being built.

COMMISSIONER HOLIAN: Five billion.

COMMISSIONER STEFANICS: Five billion. Okay. And if in fact Los Alamos Labs were to move back to a nuclear arms goal. That could create some problems with many people in our community. An existing issue right now is that the BDD and Los Alamos National Labs have ongoing discussions about monitoring the water that's coming from the flow. So I'm interested, and I'm not sure it's clear – the County has several roles and we participate in several City-County, regional groups. And I'm not sure that we're all going to – that all the groups are going to be in agreement all the time.

COMMISSIONER HOLIAN: Commissioner Stefanics, I think that's almost certainly true.

COMMISSIONER STEFANICS: So my real question to you, Mr. Chair, Commissioner, is if our name is on this coalition and there seems to be some controversial issue, and even if we voted against it, if we were in the minority, our name would still be on this coalition.

COMMISSIONER HOLIAN: Commissioner Stefanics, actually perhaps Councilor Gibson would care to address that as well, but my intention is – and I sort of foresaw that this might be a concern. But my feeling is that if there were a vote on a particular issue and we were in the minority, my intention would be to write a dissenting opinion. In that case of course we would not be speaking with a single voice. But I do think, having said that, that there are a number of issues on which we do agree and which we could have consensus opinion and in both cases it would be very powerful to say these seven regional governments all agree that such and such.

COMMISSIONER STEFANICS: Okay. Thank you. Mr. Chair, Commissioner, there is reference made in the JPA to disposition of property and strict accountability of receipts and disbursements. Are we committing ourselves to a financial contribution to this?

COMMISSIONER HOLIAN: Mr. Chair, Commissioner Stefanics, we are not at this point. Let me just that of the four entities who have signed on so far, Los Alamos County has committed to \$150,000, Espanola and Rio Arriba County together have committed to \$36,000, and Taos County has committed to \$3500 I believe. Now, we are not committing to anything yet. I was going to bring a resolution forward at some point in the future for our commitment. I have talked with our County Manager as well as Teresa Martinez and they have informed me that if we wanted to contribute, for example, \$10,000 that those monies would be available but we would have to vote on that of course and I haven't committed to anything. I felt that we should work with the City of Santa Fe on that score.

COMMISSIONER STEFANICS: Thank you, Mr. Chair.

COMMISSIONER HOLIAN: Oh, and Mr. Chair, Commissioner Stefanics, the other thing that I wanted to add on that is that this is a commitment just for the first year, and once the organization is up and running the intention is to apply to the federal government and to our congressional delegation for grant funds for this coalition.

CHAIRMAN MONTOYA: Okay. Do you want to make a motion, Commissioner?

COMMISSIONER HOLIAN: I would like to move for approval of the JPA.

CHAIRMAN MONTOYA: Okay. Motion by Commissioner Holian.

COMMISSIONER ANAYA: Second.

CHAIRMAN MONTOYA: Second by Commissioner Anaya. Any other discussion? I'll just, I think, reiterate a little bit of what Commissioner Holian said in that this is certainly something that will benefit Santa Fe County, particularly when we talk about the gross receipts that are generated over the long term of business being done here in our community and people leaving their tax dollars here in our community as well. It trickles down. This is one case where economics actually does trickle down from Los Alamos to Santa Fe and to the other parts of Santa Fe County. So the whole effort of this particular coalition will be to prevent any sort of meltdown or watering down of the mission for Los Alamos National Laboratory and ensuring it continues on, hopefully in perpetuity.

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

XI. G. A Recognition of Santa Fe County DWI Staff for the Nationally Recognized Santa Fe DWI CADDY Program (Commissioner Holian and Commissioner Montoya)

COMMISSIONER HOLIAN: Thank you, Mr. Chair. As our chair mentioned, this is not a resolution but rather a recognition of our Santa Fe County DWI staff and I just wanted to talk a little bit about what the CADDY program is, and then some special recognition that it's received recently. So, what is it? It is a program that provides safe

transportation using Capital City Cab to adults who have been drinking and feel that they can't safely drive. So the transportation is from any location to any location on Friday and Saturday evenings, and there is what I consider to be a pretty nominal fee. It's \$5 for one to two people and \$10 for three or more people. The first ride was completed on June 15, 2007, and since that time there have been 20,713 rides, although it's probably more than that by now.

I'd have to say that this is a program that really works. DWI arrests have dropped 57 percent on Fridays and 53 percent on Saturdays since this program has been put into place. Now, this program has received some very special recognition by the Bright Ideas program. This Bright Ideas is a program that was developed by the Ash Center for Democratic Governance and Innovation at the Kennedy School of Government at Harvard University. And here's a quote about the Bright Ideas. "Bright Ideas is an initiative of the Ash Center's Innovation in Government program which spotlights exemplary models of government innovation and advances efforts to address the nation's most pressing public concerns. The 2010 Bright Ideas will be showcased on the Center's Government Innovators Network, an online marketplace of ideas and examples of government innovation for policy makers and practitioners."

So our CADDy program is a Bright Ideas program. So congratulations and would you like to say a few words?

REBECCA BEARDSLEY (DWI Coordinator): Thank you, Mr. Chair, Commissioners. As Commissioner Holian said, this is a program that we implemented in 2007. DWI is an issue that touches everyone in our community in one way or another at some point in their life. We know that the only way to reduce or eliminate impaired driving is to change the culture so everybody recognizes that it is not okay to drink and drive.

We look at the issues from different aspects and we find ways to educate and change attitudes and make a difference. While doing so we discovered that many individuals in the community believe that a designated driver is the individual in their group that has had the least amount to drink. We knew it was an area that we could address so in 2007 we started providing our own designated driver.

Our CADDy, which is the Chauffer and Designated Driver, operates during peak hours Fridays and Saturdays between 5:30 pm and 2:30 am, the hours that statistics show the most number of drivers on the road have been drinking. As Commissioner Holian said, it is a nominal fee. The rides are within the Santa Fe city limits and I would like to make one correction. The individual requesting the service does not have to be drinking. We have many individuals in the community that don't feel that they're safe drivers during those hours so they can also be a hazard on the road during those hours. This service is provided to anyone in the community that wishes to participate.

Receiving the Bright Idea Award from the Ash Center for Democratic Governance and Innovation at the John F. Kennedy School of Government is quite an accomplishment but it is just one of the small examples of what we do. Our staff works very hard every day for the members of our community and thanks to them and to your support the Santa Fe County

DWI program is recognized throughout the state as a model program. I would like to take this opportunity to introduce my staff and then I will stand for any questions.

CHAIRMAN MONTOYA: Becky, what we'll do actually is I have some certificates there that we're going to hand out so we'll, as their names are called, they come forward and receive their certificate. The first one we have is Rebecca Beardsley, Frank Magourilos, Diolinda Roybal, Christina Gomez, Joanne C de Baca, Renee Sandoval, Monica Acevedo, Joyce Barela and Steve Shepherd.

Thank you, Becky, and congratulations. Quite an honor to have this here in Santa Fe County and I just want to thank you staff for all the hard work that you do. I know there's a lot of hours and time spent that sometimes you may not get paid for to make sure that Santa Fe County residents get the best service they possibly can.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN MONTOYA: Commissioner Anaya.

COMMISSIONER ANAYA: There was one question I kind of got confused on. I heard that anywhere in the county and then I heard it was only restricted to the city of Santa Fe. And if it's just the city of Santa Fe then I've got an issue.

MS. BEARDSLEY: Mr. Chair, Commissioner Anaya, it is not restricted just to the city of Santa Fe. It can be anywhere in the county. However, the flat rate is restricted just to the city limits. If an individual goes from the city limits to, let's say, Buffalo Thunder Resort, they would be charged whatever the metered rates are from the city limits to their destination.

COMMISSIONER ANAYA: And you're using the city cab?

MS. BEARDSLEY: We have a contract with Capital City Cab and we are using LDWI money for that.

COMMISSIONER ANAYA: So they charge the \$5 if it's in the city; if it's over, then what are you using the money for? You reimburse them?

MS. BEARDSLEY: Mr. Chair, Commissioner Anaya, they actually will charge us the entire amount less the \$5 or less the \$5 plus the metered rate between the city limit and the destination if it's outside of the city. So our fee is actually the entire metered rate because they are regulated by the FCC – not the FCC, the PRC. So they have to charge us the metered rates and then they take the \$5 off of that.

COMMISSIONER ANAYA: So if I need a ride from here to Edgewood, you're going to pay – they're going to charge me, let's say \$50, if that's the rate. And then I'm out \$50?

MS. BEARDSLEY: Mr. Chair, they would charge you \$5 from wherever they pick you up to the city limit and then whatever the actual metered amount is from the city limit to your final destination.

COMMISSIONER ANAYA: And that's what I pay.

MS. BEARDSLEY: Yes, sir.

COMMISSIONER ANAYA: Oh. Okay. I meet need a ride home. It doesn't mean I'm drunk though.

COMMISSIONER STEFANICS: Mr. Chair.

CHAIRMAN MONTOYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: I think the point that Commissioner Anaya is bringing up is very good because it is very expensive to take a cab down into the county. So we are not talking about \$5 or \$10 to go down to Madrid and I'm imagining down to Edgewood would be much, much more. So I think maybe we might want to revisit what actual charges are in the future because people might not be taking advantage of it.

MS. BEARDSLEY: Mr. Chair, Commissioner Stefanics, we did consider that when we started the initial program, and so we were looking at the largest populated areas. We will revisit that again, however, it is quite costly. An in-town ride, it's not uncommon for it to be \$30 from one side of the city to the other.

COMMISSIONER STEFANICS: But Mr. Chair, I think the other thing you might do, Rebecca, is compare the county statistics for arrests with the number of rides that are used out in the county to see if it compares at all, as compared to the city.

MS. BEARDSLEY: Mr. Chair, Commissioner Stefanics, I will do that.

COMMISSIONER STEFANICS: Thank you.

CHAIRMAN MONTOYA: Okay. Any other comments?

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN MONTOYA: Commissioner Anaya.

COMMISSIONER ANAYA: I guess – we say the city of Santa Fe is in Santa Fe County so we're providing a service for city residents, basically. But I want to try to provide services for county residents outside the city. I think what you're doing is good but how can we do better? Thank you, Mr. Chair.

CHAIRMAN MONTOYA: Katherine.

MS. MILLER: Mr. Chair, I think that's a really good point and I'm just wondering, Becky, if there's a way to do something similar where we have zones outside of the city. Because I take it we pay the difference? That's what we use the LDWI money for is paying the difference of it or where does the County's money come into play?

MS. BEARDSLEY: We use the LDWI money to pay the difference between the actual metered rate, less the \$5 or the \$10. However, if they go outside of the city limits then the individual pays the entire amount from the city limit to their destination. So our charges are strictly within the city limits. Since we are using the cab company it is quite costly. We did look at some other options such as buses, shuttles. Unfortunately, there isn't any bus service that goes outside of the city limits. We also looked at a shuttle service and I know that in Moriarty, Torrance County, they have a similar service as ours. They duplicated ours, but they use a shuttle. However, there aren't as many liquor establishments out in Torrance County so they're able to pick up the individuals and drop them because there aren't as many destinations.

In Santa Fe we have numerous restaurants and bars where individuals take these cabs and so in looking at mass transit transportation we figured if we use something like a bus service we would probably have a lower number of people that would actually use the

service, because then they would have to actually get to a bus stop or a central location and that was one of the issues that we had identified was a major problem was that people would drive to their destination and they wouldn't want to leave their vehicle there, so therefore they would just get in their car and drive. So if they had to go someplace to pick up a bus and then be dropped off at some place and have to get back, we still have to bring the vehicle into play because they have to get to a location at some point.

So those were some of the issues we looked at and I haven't really figured out a way to get around it. So I would be very open to suggestions.

CHAIRMAN MONTOYA: I think what our County Manager is saying is a great suggestion, because they actually do that. When you mentioned that, when you go to different larger cities they have zones and their zones are longer than what it takes for us to get from here to Stanley. But you're going to pay a flat rate, as opposed to the meter running. It depends on what cab you get in and if you get one with a zone you pay for that zone. If you want to get in one that has the meter running then you're going to pay for what the meter says. So I think maybe exploring something like that.

MS. MILLER: And I understand, Mr. Chair, you said PRC regulates the taxi rates but perhaps we subsidize, have a zone and then cover the rest of it with County funds. I don't know. We'll look into it. I just was curious how that worked and I was thinking the same thing. Other cities have zones and you pay a flat rate. So maybe there's something we could consider along that line.

MS. BEARDSLEY: Mr. Chair, I'd be happy to look into it further.

CHAIRMAN MONTOYA: Okay. Thank you. Thank you, Becky. Thank you, Katherine.

XI. H. RTD Update (Commissioner Stefanics) [Exhibit 3]

COMMISSIONER STEFANICS: Thank you, Mr. Chair. Today I have for you a copy of their annual report that Penny was able to pick up for us and not a lot of new activities. We had to rebid a rehab proposal for the new facility, and that's being done, and a decision will be made probably at the end of this week. So the board did not meet last month due to the chair and the vice chair not appearing. So we're having a special board meeting this next Friday. And that's all on RTD unless you have questions.

CHAIRMAN MONTOYA: Okay. Any questions? Commissioner Stefanics, and I know this is a really detailed one but do you know what time the buses stop running, north or south.

COMMISSIONER STEFANICS: Thank you, Mr. Chair, for the question. Each route has different times. So for example, the routes that are going back and forth to Eldorado would vary greatly from those that are up in the Taos area, because it's a much longer route and it might get in later in the evening. But if you have some specific routes in mind we are happy to get those times for you.

CHAIRMAN MONTOYA: Okay. I was just thinking along the lines of the CADDy program, if it was something that could be implemented with that, but it doesn't sound like it.

COMMISSIONER STEFANICS: No, and the other thing I could ask is, Penny, could we get the – there's a brochure of all the routes. Maybe we could get the brochure for all the routes and times of the routes and post them on our website if they are not already.

PENNY ELLISS-GREEN (Deputy County Manager): Mr. Chair, Commissioner Stefanics, I think there is a link to the RTD site that's got all of the routes listed.

COMMISSIONER STEFANICS: But the question about the times. Let's make sure the times are on there too. Because the brochure that I have doesn't have times. It just has routes.

MS. ELLIS-GREEN: Okay. I'll get that linked.

COMMISSIONER STEFANICS: And I'm sorry I can't be more specific.

CHAIRMAN MONTOYA: But that would be helpful if someone wanted to catch a bus before they drank too much, certainly. They know there's a bus.

XI. OTHER MATTERS FROM THE COMMISSION

CHAIRMAN MONTOYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. I just would like to report that three of the Commissioners and the County Manager had the opportunity to attend the affordable housing Technical Assistance Roundtable that was sponsored by the Santa Fe Realtors Association. The City, the County, homebuilders, title companies, banks and non-profits were at the table, so I think it was a productive discussion. There was some discussion about some goals for the future.

Secondly, I did have the opportunity to visit the jail this morning and I understand that two more Commissioners are needed to visit the jail in order to complete our report. So I think that the Manager and Assistant County Manager are going to try to schedule something about that. I'd like to commend the Corrections staff for the cleanliness and the professionalism. I know that every time a contract changes, for example, a contract change recently for food service at the Corrections area. And I know that if people are dissatisfied that could create some behavior problems, but everything seems to be going smoothly. I did want to report that out of about 500 beds we have 400 filled at the County adult facility and 100 are available for an influx from the state, possibly. But that's all for today.

CHAIRMAN MONTOYA: Okay. Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. Recently there's been a story in the news that was involving the Heart and Soul animal sanctuary, which is an animal rescue organization. And it brings up an issue that I've been wanting to talk about for a long

time so I thought this was as good a time as any.

Now, the story that appeared in the news involved a little dog named Crazy. And the owner of the dog works at BLM and he was in the habit of taking his dog to work and then leaving it out in the patio. He would go out and visit it periodically and spend lunch with the dog and of course Crazy was a big favorite with all the people in the BLM office and everybody really enjoyed him.

Natalie Owings who is the director of Heart and Soul got an anonymous tip that there was a dog that was on a lead line at the BLM office and somehow the person that gave the anonymous tip made it sound like the dog was being abused in some way. So Natalie Owings contacted one of her colleagues and she asked that person to go check it out. The person went to check it out and decided that they were going to liberate the dog. So they took the dog; they took the dog back to the Heart and Soul Sanctuary and within probably a day Natalie had the dog adopted out to a family in the Boulder, Colorado area, and the dog was taken there.

Well, then the news story appeared that this little dog was stolen so the person who had taken the dog to Boulder, brought Crazy back, reunited him with his owner and everybody was – well, it was a bad situation but it had a happy ending. The reason that I bring this up is that for every story like Crazy's there are many, many more stories in our community about, number one, abused animals, and even more, abandoned animals. It's very common. As a matter of fact our youngest dog, Rhonda, was one of a litter of 11 puppies who was thrown in – the litter was thrown into a dumpster. Fortunately, at the age of about five days somebody heard the puppies in there and the good Samaritan took the puppies out and took them to Natalie Owings' Heart and Soul Animal Sanctuary because they actually specialize in puppies that do not have a mother to nurse them.

And I have to say that we're very glad that Rhonda was saved and she's a really important part of our family right now. And I just want to recognize that animal sanctuaries and rescue organizations do a fantastic job of rescuing these animals, helping them to readjust from these traumatic situations and then finding good homes for them. But I also want to recognize that we have an Animal Control Department in Santa Fe County and they care also. They are on the front lines. They have a really hard job. They get a lot of complaints and it isn't just about abused animals and abandoned animals but it's also about animals that are on the loose and animals that are barking and they have to investigate every complaint.

They also, unless it's a case of really bad abuse, they have to give the owners a chance to rectify the situation and then they have to follow up. They probably, they're almost assuredly understaffed and overworked. Sometimes, however, people in the community who make these reports to our Animal Control, they get frustrated and they take matters into their own hands and that's when you get stories – sometimes – like what happened with little Crazy.

So I am sensing that in our community right now there's a certain amount of strife and a certain amount of mistrust between our Animal Control Department and the animal rescue organizations, both of whom do a wonderful job. And I think that the important point for all of us to hang on to and think about is that, you know, everybody here really wants the same

thing. We all want no more abused animals. We all want no more abandoned animals in our county, and we want no more litters of puppies and kittens thrown into dumpsters.

So I feel that if we're really going to get a handle on this problem we're going to need to partner. And that means our County Animal Control, our City Animal Control Department, the animal rescue organizations and the concerned citizens in Santa Fe, and there are many, many people in Santa Fe who really care about animals. And it's not just about dogs. I just want to mention about horses as well. I've seen some horrific pictures recently of horses where in these hard economic times people can't feed their horses and they just don't feed them. I saw this picture of this poor horse that you could see every rib. It just breaks your heart.

So what I would like to do is I would like to call for a task force of citizens and what I can see this task force doing is first of all take on the issue of animal abuse and abandonment. What can we do about this? Why is it happening? What can we do to stop it?

Also I think it's really important to improve the communication. As I said before, I think there is a problem in communication between the Animal Control and the animal rights organizations, the animal rescue organizations, and I would like to facilitate that communication so that we're all working together.

Also, I think another thing that could be done by this group is to figure out how we could create a centralized database. Now, there's another story that I just was involved in in Sunlit Hills, again regarding horses, and what happened is there was a horse that got out of his paddock and he was running around the hills and a friend of mine who's good with horses and knows them found the horse, didn't know who it belonged to. She took the horse to her paddock. Now, both the woman who lost the horse and the woman who found the horse called up County Animal Control. Unfortunately, they talked to two different people who hadn't talked to each other. So there was no connection made. The way that the connection ended up being made is that fortunately, in our area we have this community bulletin board on the computer, and so one of the – I guess they both posted on the computer and then they found each other and the horse was reunited with his owner and everybody was happy.

But that really pointed out to me that we need to have some kind of centralized database. We need to bring everybody in to this where people can post if they've lost an animal or they've found an animal. And so I think that would be something that this task force could look into. Also I think this is timely and I just thought I'd mention that our Animal Control Department has completely rewritten the Animal Control Ordinance and that's going to be coming in front of the BCC soon. So I think it would be important for the task force to look at the ordinance, make comments, and also to again improve communication. It's important for them to go out into the community and tell people what's in the ordinance, why it's in the ordinance, why it's important.

So I would also like to mention that I talked to Sheriff Solano about this and he seemed to be open to the idea of having a task force, so right now I guess I'd like to open it up to the other Commissioners to have a comment as to what you think about that idea.

COMMISSIONER ANAYA: I'm okay with it.

CHAIRMAN MONTOYA: Commissioner Anaya is good with it. Commissioner Stefanics, good. I certainly encourage anything that we can do to improve services, particularly when you do have – for a lot of people these animals are their babies, their children, and when they're pulled apart, whether it's a dog, a cat, a horse, chipmunk, it certainly can provide peace of mind to know that people in the same department have talked to each other so that they know this is happening in terms of the lost pets. So certainly I would encourage and support anything that will improve communication.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. I guess I've said enough.

CHAIRMAN MONTOYA: Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, I was going to say something but Commissioner Holian used all the time.

CHAIRMAN MONTOYA: You have an hour. I just wanted to mention and thank the Commissioners for passing that resolution on the flyovers. There will be public hearings this Thursday. It's going to be at the State Capitol in Room 322 starting at 1:00 so I'll plan on being there for those particular hearings.

The others, I'm finally getting to my first of the year meeting with Tesuque Pueblo so if any Commissioner is available and willing to go and wanting to go it's Monday at 1:30 with Tesuque Pueblo.

Then on Wednesday, October 20th, we're having a follow-up meeting at the community center to discuss further plans on what we're going to do with the community center on phase 2. So we're having that Wednesday evening, October 20th at 6:00 at our facility there in Nambe.

And then in Friday the 22nd I plan on attending the New Mexico Acequia Commission. They have been very supportive, very understanding, knowing that acequias have really been the first form of government that we had in this country that dates way back to pre-New Mexico statehood days, and we're going to be likely writing a letter commending Santa Fe County for the work that we've done in helping acequias over the years. I did attend one of their previous meetings and we are one of the only county governments that works actually hand in hand with our acequias and that whole commission really appreciated that fact and the work that we do here.

And I was glad also, Commissioner, to hear that the Animal Control Ordinance is being rewritten. I don't think it's been rewritten in close to 20 years or something like that. So certainly we've had – I've had a lot of my constituents saying you don't have this in your ordinance. It's very outdated. So I'm glad to hear – does it look like we'll get it before the end of the year, possibly for action?

COMMISSIONER HOLIAN: Mr. Chair, I can't commit to that.

CHAIRMAN MONTOYA: Oh, okay. But it needs to be done. I'm glad it's being done.

COMMISSIONER STEFANICS: Mr. Chair.

CHAIRMAN MONTOYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: There was one other item I wanted to report

Addendum: October 12, 2010
BCC Meeting

**XII. A. 3. Request Approval of the Purchase of an easement on .03 acres
From the Lucy Moore Trust for the Nine Mile Trailhead of
The Santa Fe Rail Trail (CSD)**

COMMISSIONER STEFANICS: Thank you, Mr. Chairman. Staff could you please refresh our memories where are the monies coming from to fund this?

COLLEEN BAKER (Open Land & Trails Manager): Yes, thank you Commissioner Stefanics, the money will come from Gross Receipts Tax for this project, Capital Projects fund.

COMMISSIONER STEFANICS: How much will it cost?

MS. BAKER: Thousand One Hundred (\$1,100.00) plus a little bit more for closing fees.

COMMISSIONER STEFANICS: Move for approval

COMMISSIONER HOLIAN: Seconded

[Motion passed by unanimous [4-0] voice vote.]

on. The Santa Fe Metropolitan Planning Organization that deals with transportation and utilizing federal and state funds, as well as City and County funds for new roads – we were having a meeting this Thursday, October 14th. It has been changed to Wednesday, October 20th from 4:00 to 6:00. Some of you might have seen the article in the newspaper regarding Richards Avenue. The MPO does relate to City as well as County roads. We have quite a few highways in the plan. We have Richards Avenue. We have 599, I-25. We have St. Francis, we have Cerrillos Road. So for any individuals who are interested, that would be an important meeting. It's a public hearing and the City and the County will be adopting a plan for the next several years. Thank you.

CHAIRMAN MONTOYA: Okay. Thank you.

XIII. STAFF AND ELECTED OFFICIALS' ITEMS

A. Public Works Department

1. Resolution No. 2010-188. A Resolution Authorizing Submission of Applications to the Water Trust Board for Water System Improvements as Necessary to Distribute Buckman Direct Diversion Water, and Watershed Protection and Restoration (Utilities)

PATRICIO GUERRERORTIZ (Utilities Director): Thank you, Mr. Chair. This is just an attempt to reserve ourselves the opportunity to have funding for projects that were not listed on our ICIP that were the result of some considerations that we have made and that I discussed with you two weeks ago. We just want to make sure that we take advantage of any opportunity we can have for funding.

CHAIRMAN MONTOYA: Okay. Any questions?

COMMISSIONER STEFANICS: Mr. Chair.

CHAIRMAN MONTOYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: Basically we would be supporting, and Pego, maybe you could directly answer this, we're just supporting your ability to apply for funds for these particular projects? We are not committing ourselves to County funds at this time.

MR. GUERRERORTIZ: Mr. Chair, Commissioner Stefanics, that's correct. We're just supporting the ability to go for funding should we have the opportunity.

COMMISSIONER STEFANICS: So, Mr. Chair, I would move approval of this resolution if there's a second.

COMMISSIONER HOLIAN: Second.

CHAIRMAN MONTOYA: Okay. And this is Resolution 2010-188. Motion by Commissioner Stefanics, second by Commissioner Holian. Any other discussion?

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

SFC CLERK RECORDED 11/11/10 11:02 AM

XIII. B. Matters From the County Manager

MS. MILLER: Mr. Chair, I don't have anything.

COMMISSIONER STEFANICS: Mr. Chair.

CHAIRMAN MONTOYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: Katherine, have your thought about – we are in October, so have you started thinking about a budget meeting or a retreat with the new Commissioners?

MS. MILLER: Mr. Chair, Commissioner Stefanics, Teresa and Penny and I have been talking about actually – one of the things I want to talk about is scheduling over the next few months of different meetings we need to have before the end of the year. So that is an issue that we're discussing and we want to bring to all of you which meetings you will be available for and that type of item.

COMMISSIONER STEFANICS: Well, I'm bringing this up hopefully so that we don't interfere too much with the holiday season, because we do end meetings at a certain time in December. I do know that Commissioners have family plans, etc. So I just want to make sure that we can get this so that everybody can attend. Thank you, Mr. Chair.

CHAIRMAN MONTOYA: Okay. And actually, just before we move on Steve, I just wanted to ask our Clerk Espinoza if she had anything to give us in terms of an update on early voting.

MS. ESPINOZA: Certainly, Mr. Chair. What we have up to the minute for in person absentee voting, we have about 780. We will start our early voting on this Saturday and we'll have the usual sites that we normally do. So I want to encourage people to take advantage now that we're set up here, all the County employees, and thank you for voting today. I did the same thing.

Our early voting sites are the usual ones that we always have set up, and they are the Santa Fe Fairgrounds, the Eldorado Senior Center, the Edgewood Fire Station, the Pojoaque County satellite office, and earlier you were talking about the numbers at the satellite offices. The gentleman has already left I'm sure, but they do increase our increase our usage of the satellite office during early voting. The other two sites are the Abedon Lopez Community Center and of course at our County Clerk's Office through the 30th.

All this information is on our website – the sample ballots, the information on the constitutional amendments, the pros, the cons and sample ballots and everything. So if you have any questions, I'm here.

CHAIRMAN MONTOYA: Okay. Any questions for our Clerk?

COMMISSIONER HOLIAN: Just thank you.

MS. ESPINOZA: Thank you. Appreciate all your support.

CHAIRMAN MONTOYA: You have some really friendly people working out front that are very helpful.

MS. ESPINOZA: Thank you. And it is the season for the goblins to come out

SFC CLERK RECORDED 11/17/2010 11:27:51 AM

and so we do get a few people that want to vote in candidates that reside in Albuquerque and so be patient.

XIII. C. Matters From the County Attorney

1. Executive Session

- a. Discussion of the Proposed Settlement Agreement and Release in the Case of *Heisinger et al .v. the Board of County Commissioners et al.***
- b. Discussion of Pending of Threatened Litigation**
- c. Limited Personnel Issues**

MR. ROSS: Mr. Chair, we need a closed executive session. It doesn't need to be really lengthy. It could be 30 minutes to 45 minutes to discuss the proposed settlement agreement that's referred to on the agenda and also some matters concerning pending or threatened litigation and some limited personnel issues.

CHAIRMAN MONTOYA: Okay.

COMMISSIONER STEFANICS: I'll so move, that we move into executive session to discuss the proposed settlement, pending or threatened litigation and limited personnel matters.

COMMISSIONER HOLIAN: Second.

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

The Commission went into executive session pursuant to NMSA Section 10-15-1-H 2 and 7) to discuss the matters delineated above. The motion passed upon unanimous roll call vote with Commissioners Anaya, Holian, Stefanics and Montoya all voting in the affirmative.

[The Commission met in executive session from 3:48 to 5:35.]

CHAIRMAN MONTOYA: Okay, I'd like to call this meeting back to order.

COMMISSIONER STEFANICS: Mr. Chair.

CHAIRMAN MONTOYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: I move that we come out of executive session having discussed the case of Heisinger et al., other pending or threatened litigation and limited personnel issues.

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

COMMISSIONER HOLIAN: Second.

CHAIRMAN MONTOYA: Second by Commissioner Holian. Any other

discussion?

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

XIII. C. 2. Consideration and Approval of the Settlement Agreement and Release in the Case of *Heisinger et al. v. the Board of County Commissioners et al.*

MR. ROSS: Mr. Chair, as you recall, about a year ago the County and all the plaintiffs and defendants entered into a tentative settlement after a mediation that has been ordered by then Judge Hall. Some of the parties refused to acknowledge the settlement that was reached in the mediation and last week Judge Singleton enforced the settlement on all parties. The proposed settlement agreement is in front of you and ready for your consideration. It involves two parties conveying an easement that was at issue in the litigation back to the County and the County paying \$4,000 settlement proceeds through its insurance company in exchange for a complete release. There are other terms but they pertain to the other parties.

COMMISSIONER HOLIAN: Mr. Chair.

CHAIRMAN MONTOYA: Commissioner Holian.

COMMISSIONER HOLIAN: I move that we approve the settlement agreement and release in the case of *Heisinger et al. v. the Board of County Commissioners, et al.*

COMMISSIONER STEFANICS: Second.

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

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

XIV. PUBLIC HEARINGS

A. Growth Management

- 1. Ordinance No. 2010-13, an Ordinance Amending Article III, Section 7, Community Service Facilities of the Santa Fe County Land Development Code, Ordinance 1996-10 for the Purpose of Clarifying Standards and Submittal Requirements. (2nd Public Hearing) [Exhibit 4: Constituent Letters and Support Material]**

SHELLEY COBAU (Building & Development Services Mgr.): Good evening Mr. Chair, Commissioners. Staff requests the BCC adopt an ordinance amending Article III, Section 7, Community Services Facilities of the Santa Fe County Land Development Code,

SFC CLERK RECORDED/13/2011

Ordinance 1996-10. This is for the purpose of clarifying standards and submittal requirements. The amendment entails removal of the compiler's note at the end of subsection 7.2 and will clarify the requirements such facilities would be required to submit for zoning in the form of a master plan application heard by the CDRC and this governing body, and also require the subsequent submittal of a preliminary and final development plan pursuant to current practice.

The compiler's note references a superceded 1988 ordinance and outlines outdated submittal processes no longer utilized. It is unclear why this was not previously addressed through amendment. The policy action taken by staff on community service facilities, which include police and fire stations, elementary and secondary daycare centers, schools, community centers and churches has historically required the use of the proposed code sections currently incorporated into the 1996 version of the Land Development Code.

The compiler's note referenced ordinance does not include a reference to community service facilities but rather describes a process for various types of commercial projects used in 1988 which are no longer applicable. This section states – and I'd just like to read to you what the superceded section states. It's entitled Submittals and Review Procedures for Permitted Uses in Major Center Districts, Community Center Districts, Neighborhood and Small Center Districts. And the first section of that code states that it's a process for applicants who propose developments of a use authorized for establishing non-residential districts. So it's not really applicable for community service facilities, which are allowed outside non-residential districts anywhere in the county.

It is important to note that the submittal requirements are not changing from current and historic practices, but the code clarification and removal of the obsolete compiler's note is important at least in applications that have been processed using the master plan/development plan processes. Proposed with this ordinance amendment include the Santa Maria de la Paz Church, Bridging the World Animal Sanctuary, Mission Viejo School and Church, Children's Garden Montessori School, New Mexico Boys and Girls Ranch, Seventh Day Adventist Church, just to name of a few of the many that we have processed using the proposed ordinance amendment procedural changes.

Please support staff's request for adoption of this ordinance. Public comments and concerns that were delivered via email to me have been delivered; I put a packet across your agendas before you came in this evening and I've given a copy of this packet to the recorder. Thank you, and I will stand for questions.

CHAIRMAN MONTOYA: Okay. Thank you, Shelley. Any questions for staff?

COMMISSIONER STEFANICS: Mr. Chair, I believe this is the second time that we are hearing this so I believe that we are pretty familiar with the issues that are coming forward. And thank you very much.

MS. COBAU: Thank you, Commissioner.

CHAIRMAN MONTOYA: Shelley, in terms of any changes from the last public hearing to now, could you just explain or say what those may or may not be?

MS. COBAU: I believe at the last public hearing you tabled and it was agreed that the County Attorney's Office would look at this. I think Rachel can explain the changes that were made.

CHAIRMAN MONTOYA: Okay.

MR. ROSS: Mr. Chair, actually I can explain. There have been no changes proposed to the ordinance and so the ordinance that's in your packet is the same one that was before you the last time. We met with Mr. Graeser representing the UDV Church who's an applicant for a community service facility right now and this discussed some proposed changes and those are being passed out to you right now and it's labeled A. *[Exhibit 5]*

Myself and Ms. Brown and another legal expert we consult with about these matters looked at the proposed changes and found them to be perhaps overbroad and so we've prepared a second version, an alternative version of that that is labeled B. That's a product of the County Attorney's Office. Should you think it's necessary to refer to the Religious Land Use and Institutionalized Persons Act in the ordinance – I'm not sure it's necessary, but should you feel the need to do that then I would suggest you use the format that's labeled B that I just handed out to you. In general, I don't think it's necessary to refer to RLUIPA as we call it because it either applies to us or it doesn't and it's a statute that's used to interpret decisions of local government and I'm not sure that including the manner of interpretation into a local ordinance is all that helpful to reviewing courts. It either applies or it doesn't. We're subject to it or we're not and we complied with it or not as the case may be. I don't necessarily think we need to use RLUIPA in our own ordinance but should you do, I'll tell you the methodology for preparing B.

The version marked B was to actually copy the text of the federal statute into the ordinance, not paraphrase it or not use excepted interpretation of the statute by the courts as the version A, I believe does.

CHAIRMAN MONTOYA: Okay, so essentially, it sounds to me like the recommendation would be still to retain or at least consider the one for adoption, the original one that we have in the packet, the original one we heard at the last public hearing, the documentation that we received from all of the people that have sent us emails, they're supporting the document that's in our packet, that we have right now.

MR. ROSS: I think that's the staff recommendation.

CHAIRMAN MONTOYA: Okay. Any other questions. Rachel, did you have anything else?

RACHEL BROWN (Deputy County Attorney): I didn't have anything to add. I think Steve accurately represented what the ordinance amendment should be.

CHAIRMAN MONTOYA: Okay. So this is a public hearing. This is the second public hearing we have of this. We've had a lot of written as well as telephonic communication with individuals so I want to ask how many here are in support of the current ordinance that's being proposed? How many are opposed to it? No opposed. Okay. So that's good. So could I maybe ask one or two – are you three going to be the spokespersons for the group?

SFC CLERK RECORDED 11/12/2010
SFC CLERK RECORDED 01/13/2011

JOHNNY MICOU: At this juncture I'll be the spokesperson, and if we need to open it up to our attorney we could do that if possible.

CHAIRMAN MONTOYA: Okay.

[Duly sworn, Johnny Micou testified as follows:]

MR. MICOU: Johnny Micou, 179 County Road 55-A, Santa Fe County. Mr. Chair, Commissioners, thank you for the opportunity to speak. I am speaking for concerned citizens of Arroyo Hondo and as a Galisteo Basin home and property owner. We support the adoption of the proposed ordinance amendment to clarify the intended and historically applied submittal requirements and review process for evaluating community service facilities as listed without exception under Article III, Section 7 of the 1996 Land Development Code.

The amendment would not only clarify the intent of the code but follow historical precedents while remaining neutral. We also refer you to a letter dated September 30, 2010. To the BCC, by Ron VanAmberg, attorney at law, for the Arroyo Hondo Concerned Residents regarding the proposed amendment to Article III, Section 7. As supported in the letter the ordinance is neutral.

And I'd just like to add, we've not seen, obviously, what the County Attorney has proposed and as such the only thing we can stick with is what we have seen and leave it as is. So we support the County staff. Thank you.

CHAIRMAN MONTOYA: Okay. Thank you. Any questions for Johnny?
Thank you, Johnny. Ron, do you have –

RON VANAMBERG: Very briefly. Thank you, Mr. Chair and Commissioners. I'm here as counsel for various residents for the Arroyo Hondo community and I would concur with Mr. Kolkmeier that there's really no need to start adding statutes or case citations or quotes to your ordinance. It's clear. It's neutral. It applies to everyone equally. If there are arguments to be made about RLUIPA then they can be made. I don't see how they would succeed, given the clear neutrality of the ordinance and we would encourage adoption in accordance with staff recommendations.

CHAIRMAN MONTOYA: Okay. Thank you, Ron. Is there anyone else who would like to speak? Okay, this public hearing is closed.

COMMISSIONER HOLIAN: Mr. Chair.

CHAIRMAN MONTOYA: Commissioner Holian.

COMMISSIONER HOLIAN: I move for approval of Ordinance No. 2010-13 as per recommendation by our Land Use staff and as it appears in our packet.

COMMISSIONER STEFANICS: I'll second.

CHAIRMAN MONTOYA: Okay. Motion by Commissioner Holian. Second by Commissioner Stefanics. Any discussion?

The motion passed by unanimous [4-0] roll call vote with Commissioners Anaya, Holian, Stefanics and Montoya all voting in the affirmative.

CHAIRMAN MONTTOYA: Thank you all for coming this evening. Appreciate it.

- XIV. A. 4. **BCC Case # MIS 10-5480 Santa Fe Spirits Distillery License. Santa Fe Distillery, DBA Santa Fe Spirits, Applicant, Colin Keegan, Owner, Request Approval of a Manufactures License as a Distiller. The Subject Property is Located at 7505 Mallard Way, Unit I, within Section 11, Township 16 North, Range 8 East, (Commission District 2). Jose E. Larrañaga, Case Manager**

JOSE LARRAÑAGA (Development & Development Services): Thank you, Mr. Chair. This site is located within the presumptive city limits. Ordinance No. 2009-01 limits the jurisdiction of the City Council to make a ruling on this type of zoning request. The decision for the request falls within the jurisdiction of the Board of County Commissioners.

On May 14, 2010 the City of Santa Fe issued a letter of zoning verification for this site. The letter states this property is zoned I-1, Light Industrial District, which allows for distilleries and wholesale liquor distributors. Prior to the adoption of Ordinance No. 2009-01 this site was known as the Airport Business Park. The master plan approval for this site allowed for distilleries and wholesale liquor distributors.

The applicant is requesting approval of a manufactured liquor license. This type of license allows for the manufacturing of spirituous liquors. The applicant intends to operate as a batch distillery producing small batches and hand-crafted liquor. The operation will employ two to three employees and as the operation expands the number of employees will increase.

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

Recommendation: Staff has reviewed this application and has found the following facts to support this submittal. The City of Santa Fe has acknowledged that this property is zoned I-1, Light Industrial District, which allows for distilleries and wholesale liquor distributors. Ordinance No. 2009-01 allows the Board of County Commissioners jurisdiction on this type of zoning request. A master plan approved by Santa Fe County for this site allowed for distilleries and wholesale liquor distributors. The applicant has met the State of New Mexico requirements for noticing, distance from schools and churches. Staff recommends approval of the applicant's request for the manufacturer's liquor license as a distiller to be located at 7505 Mallard Way, Unit I. I stand for any questions.

CHAIRMAN MONTTOYA: Okay. Any questions for staff? If the applicant is here, if they anything else that they'd like to add, if you could come up.

COLIN KEEGAN: Good evening, Commissioners. My name is Colin Keegan.

I don't have anything to add unless there's any questions.

CHAIRMAN MONTOYA: Okay. Any questions for the applicant? Okay. Thank you, Colin. This is a public hearing. If anyone would like to speak on this case please come forward. Okay, seeing none, this public hearing is closed.

COMMISSIONER HOLIAN: Mr. Chair.

CHAIRMAN MONTOYA: Commissioner Holian.

COMMISSIONER HOLIAN: I move for approval of BCC Case #MIS 10-5480, Santa Fe Spirits Distillery License.

COMMISSIONER STEFANICS: Second.

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

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

- XIV. A. 5. **BCC Case # MIS 10-5490 Santa Fe Brewing Small Brewers License. Santa Fe Brewing Company, dba Santa Fe Brewing Company Tap House, Applicant, Brian Lock, Owner, Request Approval of a Small Brewer Off-Site "B" Liquor License. The Subject Property is Located at 7 Caliente Road, Unit A-9, at La Tienda at Eldorado, within Section 16, Township 15 North, Range 10 East, (Commission District 5). Jose E. Larrañaga, Case Manager**

MR. LARRAÑAGA: Thank you, Mr. Chair. Ordinance No. 2005-08 designates this site as village mixed use which allows taverns and bars as a special use. A special use is defined within Ordinance 2005-08 as a use that is allowed if a master plan and development plan are approved by the Board of County Commissioners in accordance with the applicable procedures of the code.

In August of 2002 La Tienda at Eldorado, formerly the Village at Eldorado, received master plan and development plan approval to allow a pub at this site. Therefore a small brewer is allowed at this site.

The applicant is requesting approval of a Small Brewer Off-Site B liquor license. This type of license allows for on-premise consumption and package sale of beer only. The Santa Fe Brewing Tap House will operate as a tasting room where the public can taste the product produced by Santa Fe Brewing and purchase the packaged product. The hours of operation are listed in the applicant's letter of intent which is attached as Exhibit A.

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

license at this location.

Recommendation: Staff has reviewed this application and has found the following facts to support this submittal. The US 285 South Highway Corridor Zoning District designates this site as Village mixed use which allows taverns and bars as a special use. La Tienda at Eldorado, formerly the Village at Eldorado received master plan and development plan approval to allow a pub, tavern or bar at this site. The applicant's request complies with Ordinance No. 2005-08, master plan approval and the Santa Fe County Land Development Code. The applicant has met the State of New Mexico requirements for noticing, distance from schools and churches. Staff recommends approval of the applicant's request for Small Brewer Off-Site B liquor license as a distiller to be located at 7 Caliente Road, Unit A-9 within La Tienda at Eldorado.

Mr. Chair, I stand for any questions.

CHAIRMAN MONTOYA: Okay. Questions for Jose? For staff?

COMMISSIONER STEFANICS: Mr. Chair.

CHAIRMAN MONTOYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: This is replacing what restaurant?

MR. LARRAÑAGA: Mr. Chair, Commissioner Stefanics, Brumby's was in that and we've allowed an interior remodel of Brumby's, so they've cut off part of it and shrunk it down. There is a restaurant and the beer and license that's attached to that restaurant came before you I believe last month and got approved. So that's beer and wine. And then this is just the tap house. I did do research on the approvals and how it got approved and it says restaurant and/or pub or tavern as part of their approvals through the Board of County Commissioners.

COMMISSIONER STEFANICS: Thank you very much, Mr. Chair.

CHAIRMAN MONTOYA: Okay. Other questions? Okay, if the applicant is here and they would come forward and if you have anything else to add or –

[Duly sworn, Brian Lock testified as follows:]

BRIAN LOCK: Brian Lock, 4 Antigua Place, Santa Fe, New Mexico, 87508. I don't have anything to add. If there's any questions that you all have of me I can answer them.

CHAIRMAN MONTOYA: Okay. Thank you, Brian. Any questions for the applicant? Okay. You're getting off easy tonight, Brian. This is a public hearing, so if anyone would like to speak on this application please come forward. Okay, this public hearing is closed.

COMMISSIONER STEFANICS: Mr. Chair.

CHAIRMAN MONTOYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: I move that we approve BCC Case #MIS 10-5490, Santa Fe Brewing Tap House.

COMMISSIONER HOLIAN: Second.


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

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

XV. ADJOURNMENT

Chairman Montoya declared this meeting adjourned at 5:55.

Approved by:

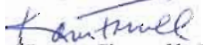


Board of County Commissioners
Harry Montoya, Chairman


ATTEST TO:

VALERIE ESPINOZA
SANTA FE COUNTY CLERK

Respectfully submitted:


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

Harry B. Montoya
Commissioner, District 1

Virginia Vigil
Commissioner, District 2

Michael D. Anaya
Commissioner, District 3



Katherine Miller
County Manager

MEMORANDUM

DATE: October 12, 2010

TO: Board of County Commissioners

FROM: Wayne Dalton, Building and Development Services Supervisor *WD*

VIA: Jack Kolkmeier, Land Use Administrator *JK*
Shelley Cobau, Building and Development Services Manager *WSC*

FILE REF.: CDRC CASE # MIS/V10-5260 Kurt Bowker Accessory Structure/Height Variance

ISSUE:

Kurt Bowker, Applicant, requests approval of an After the Fact accessory structure totaling 21,132 square feet to be utilized for personal use on 10.01 acres. This request also includes a variance of Article III, Section 2.3.6b (Height Restrictions for Dwellings and Accessory Structures) of the Land Development Code to allow the accessory structure to exceed 24' feet in height. The property is located at 74 Martin Lane, within Section 33, Township 10 North, Range 8 East, (Commission District 3).

SUMMARY:

This case is withdrawn from the BCC agenda due to the applicant receiving an agricultural exemption from the County Assessor's Office. Article III, Section 1 states agricultural, grazing and ranch uses and construction of fences and accessory structures related to those uses are permitted anywhere in the County, provided the use of the land or fence or accessory structure complies with the requirements of other sections of the Code, including but not limited to the density regulations of the Code. Application for a development permit is not required for these uses. The height of all structures associated with uses listed in this Section shall be limited to a maximum of thirty six (36') feet in height.

SFC CLERK RECORDED 11/12/2010
SFC CLERK RECORDED 11/13/2010

SANTA FE COUNTY
PRIORITIES SURVEY
OCTOBER 12, 2010

PRESENTED BY:

MATT HUGHES
RESEARCH & POLLING, INC.



REC'D CIVIL RECORDS/13/2011



Methodology

Research Objective:

This research study was commissioned by Santa Fe County to assess what county residents living outside the City of Santa Fe believe should be the highest priorities when making budgetary decisions. The survey also addresses what programs or services residents believe should be considered for budget reductions.

Data Collection Method:

Telephone Interviews

Total Sample Size:

N=709 of Santa Fe County residents living outside of the city limits of Santa Fe.

Field Dates:

Between June 11 and June 24, 2010

Margin of Error:

95% confidence level provides a maximum margin of error of approximately $\pm 3.7\%$.

What are the biggest issues or problems facing the residents of Santa Fe County at this time?"

Top 8 Unaided Responses

*Total
Sample
(n=709)*

Roads/streets not kept up/are in bad shape	17%
Water shortage/water supply	13%
Educational system is poor	10%
Economy: weak	9%
Unemployment rate/lack of good jobs	8%
Taxes are high/unreasonable	7%
Crime	7%
Don't know/won't say	7%

● “Thinking about future county budgets, what do you feel are the highest priorities for residents in Santa Fe County?”

Top 7 Unaided Responses

	<i>Total Sample (n=709)</i>
Roads/streets improvements	27%
Improve education	26%
Sheriff protection	12%
Reduce crime/public safety (in general)	10%
● Fire protection	9%
Lower taxes	6%
Don't know/won't say	15%

“I’d like to read you a list of local government services and programs provided by Santa Fe County. For each one please tell me how much of a priority it should be when Santa Fe County officials plan for the county’s budget. Please use a 5-point scale where 5 means you think it should be a *very high priority* and 1 means it should be a *very low priority*.” (Scores of 4 & 5 on a 5-point scale)

	<i>Very High Priority</i> 5	4	<i>Total</i> 4 & 5
Water conservation programs	59%	24%	83%
Programs and services for youth	45%	28%	73%
Renewable energy initiatives	45%	25%	70%
County run services for seniors	40%	32%	72%
Economic development programs	35%	28%	63%
Library services	34%	31%	65%
Parks and Recreation services	31%	37%	68%
County mobile health vans	29%	25%	54%
Solid waste transfer stations	27%	32%	59%
Purchase and maintenance of open space	22%	21%	43%
Community planning programs	21%	28%	49%
Youth detention centers	20%	27%	47%
Teen court	20%	23%	43%
Graffiti removal	19%	20%	39%
County satellite offices in Edgewood, Pojoaque and Eldorado	15%	18%	33%
Filming and radio broadcast of County Commission meetings	10%	13%	23%

SFC CLERK RECORDED 11/12/2018
SFC CLERK RECORDED 11/13/2018

Priority Tiers

Tier 1

- ❖ Water conservation (83%)
- ❖ Programs and services for youth (73%)
- ❖ Services for seniors (72%)
- ❖ Renewable energy (70%)

Tier 2

- ❖ Parks and recreation (68%)
- ❖ Library services (65%)
- ❖ Economic development programs (63%)
- ❖ Solid waste transfer stations (59%)
- ❖ County mobile health vans (54%)

Tier 3

- ❖ Community planning programs (49%)
- ❖ Youth detention center (47%)
- ❖ Teen court (43%)
- ❖ Purchase and maintenance of open space (43%)
- ❖ Graffiti removal (39%)
- ❖ County satellite offices (33%)
- ❖ Filming and broadcast of County Commission meetings (23%)

Priorities by Region (combined scores of 4 & 5)

	<i>Total Sample</i>	<i>North</i>	<i>South</i>	<i>East Central</i>	<i>West Central</i>
Water conservation programs	83%	75%	83%	88%	86%
Programs and services for youth	73%	71%	73%	70%	81%
County run services for seniors	72%	70%	71%	65%	80%
Renewable energy initiatives	70%	59%	69%	75%	77%
Parks and Recreation services	68%	66%	69%	65%	72%
Library services	65%	60%	63%	65%	70%
Economic development programs	63%	57%	72%	57%	69%
Solid waste transfer stations	59%	65%	51%	53%	67%
County mobile health vans	54%	52%	58%	55%	55%
Community planning programs	49%	47%	52%	49%	50%
Youth detention center	47%	55%	34%	38%	58%
Teen court	43%	43%	38%	41%	48%
Purchase and maintenance of open space	43%	36%	40%	51%	45%
Graffiti removal	39%	38%	31%	34%	54%
County satellite offices in Edgewood, Pojoaque and Eldorado	33%	30%	63%	29%	21%
Filming and radio broadcast of County Commission meetings	23%	25%	21%	21%	25%

SFC CLERK RECORDED 11/12/2011

SFC CLERK RECORDED 11/13/2011

“The County of Santa Fe is facing a budget deficit and may have to make difficult decisions regarding the funding levels for services provided to residents. Do you believe the County should consider or should not consider reducing or cutting funding for.....”

	<i>Should Consider</i>	<i>Should Not Consider</i>	<i>Don't Know/ Won't Say</i>
Filming and radio broadcast of County Commission meetings	82%	15%	2%
County satellite offices in Edgewood, Pojoaque and Eldorado	71%	23%	6%
Purchase and maintenance of open space	65%	31%	4%
Graffiti removal	62%	36%	2%
Community planning programs	50%	43%	7%
Teen court	48%	43%	10%
County mobile health vans	39%	53%	8%
Youth detention center	38%	56%	6%
Economic development programs	35%	60%	5%
Parks and Recreation services	34%	64%	2%
Renewable energy initiatives	30%	66%	4%
Library services	29%	69%	2%
Solid waste transfer stations	28%	67%	5%
County run services for seniors	21%	75%	3%
Programs and services for youth	20%	77%	3%
Water conservation programs	19%	80%	2%

SFC CLERK RECORDED 11/12/2018

SFC CLERK RECORDED 11/15/2018

“The County of Santa Fe is facing a budget deficit and may have to make difficult decisions regarding the funding levels for services provided to residents. Do you believe the County should consider or should not consider reducing or cutting funding for....”

Geographic Comparisons

<i>‘Should Consider’ Responses</i>					
	<i>Total Sample</i>	<i>North</i>	<i>South</i>	<i>East Central</i>	<i>West Central</i>
Filming and radio broadcast of County Commission meetings	82%	74%	82%	86%	86%
County satellite offices in Edgewood, Pojoaque and Eldorado	71%	65%	62%	77%	76%
Purchase and maintenance of open space	65%	69%	66%	62%	62%
Graffiti removal	62%	61%	68%	65%	56%
Community planning programs	50%	49%	56%	52%	45%
Teen court	48%	43%	57%	47%	46%
County mobile health vans	39%	32%	43%	41%	42%
Youth detention center	38%	32%	53%	40%	30%
Economic development programs	35%	34%	29%	46%	28%
Parks and Recreation services	34%	37%	35%	37%	29%
Renewable energy initiatives	30%	36%	32%	29%	24%
Library services	29%	30%	23%	30%	29%
Solid waste transfer stations	28%	19%	37%	29%	29%
County run services for seniors	21%	19%	25%	24%	18%
Programs and services for youth	20%	22%	22%	20%	16%
Water conservation programs	19%	24%	23%	16%	12%

SFC CLERK RECORDED 11/12/2018
SFC CLERK RECORDED 11/13/2018

tabbles®
EXHIBIT
3

NORTH CENTRAL REGIONAL TRANSIT DISTRICT



20
09

NORTH CENTRAL REGIONAL TRANSIT DISTRICT
Annual Report

Table of Contents

Introduction.....	3
Executive Director.....	5
A Message from the Chairman.....	6
National Coverage.....	7
Organization.....	8
Board Meetings/Committees.....	9
Organizational Structure	10
Overview	11-12
2009 Goals & Objectives & Results.....	13-18
2009 Resolutions.....	19-21
Service Characteristics.....	22
Ground Breaking Ceremony.....	23
2009 Ridership.....	24
Annual Budget.....	25
2009 Fleet Inventory	26
2009 Summary.....	27

North Central Regional Transit District

3600 Rodeo Lane, Suite B-6
Santa Fe, New Mexico 87507
505-438-3257

www.ncrtd.org

2009 NCRTD Annual Report

Introduction

The NCRTD's Annual Report provides updated information to the NCRTD Board of Directors and General Public on the various transit-related activities undertaken and accomplished by the District during 2009.

This document is submitted per the requirement in the NCRTD's by-laws.

Organization

In March 2003, the New Mexico State Legislature (SB 34) authorized the formation of Regional Transit Districts (RTDs) and subsequently in September 2004 the NCRTD was recognized by the New Mexico Department of Transportation (NMDOT) as the first RTD in New Mexico. Additionally, the NM Legislature in March 2004 provided RTD's the ability to pass up to 1/2 of one cent gross receipts taxation by positive referendum to assist in funding public transportation. This initiative and direction began with the adoption of Resolution 2007-17 "Calling for an election to impose Gross Receipts Tax"

Member Governments

Counties of: Los Alamos, Rio Arriba, Santa Fe, and Taos.

Cities of: Espanola and Santa Fe.

Pueblos of: Ohkay Owingeh, Pojoaque, San Ildefonso, Santa Clara, and Tesuque.

Member Systems

Los Alamos
Santa Fe

Atomic City Transit
Santa Fe Trails

Service Area

The NCRTD proudly provides Free Bus Service in these Counties:

Los Alamos • Rio Arriba • Santa Fe • Taos and services the following communities: Acalde • Cerro • Chama Chimayó • Dixon • Edgewood • Eldorado • El Rito • Española • Galiesto • Los Alamos • Moriarty • Ohkay Owingeh • Ojo Caliente • Peñasco • Pojoaque • Pueblo of Pojoaque • Pueblo of Santa Clara • Pueblo of San Ildefonso • Pueblo of Tesuque • Questa • Santa Fe • Stanley • Taos • Truchas • Velarde/Alcalde

2009 Board of Directors

NCRTD Member	Director	Official Designee
City of Espanola	Councilor Alfred Herrera	Helen Kain-Salazar
Los Alamos County	Councilor Mike Wismer	Anthony Mortillaro
Rio Arriba County	Commissioner Elias Coriz	Thomas Campos
Pojoaque Pueblo	Tim Vigil	Cameron Martinez
San Ildefonso Pueblo	Raymond Martinez	Councilman Bryan Montoya
Ohkay Owingeh Pueblo	1 st Lt. Gov. Virgil Cata	James Chancellor
Santa Clara Pueblo	Edwin Tafoya	Mary Lou Quintana
City of Santa Fe	Councilor Rosemary Romero	Jon Bulthuis
Santa Fe County	Commissioner Liz Stefanics	Penny Ellis-Green
Tesuque Pueblo	Governor Charles Dorame	Larry Samuel
Taos County	Commissioner Daniel Barrone	Sammy Pacheco



Tesuque Pueblo



Santa Clara Pueblo



Pojoaque Pueblo



Ohkay Owingeh



San Ildefonso Pueblo





Josette Lucero, Executive Director

It was an amazing year! 2009 was a year of celebration; commendation, reflection and sorrow. The NCRTD experienced growth, recognition, and the loss of a very dear friend and leader. The passing of former NCRTD Board Chairman Jim West in the fall, was a huge loss for his family; his community of Los Alamos, and for our staff and organization. We at the NCRTD were deeply saddened by the loss of our former Chairman Jim West that the Board took action and passed a Resolution honoring Jim's memory by naming the new Transit Center in Espanola in his name.

The year began under the leadership of Espanola City Councilman Alfred Herrera who helped us map out our approach to increasing ridership and setting a goal to obtain steady ridership throughout the region. With hard work from our dedicated staff, we implemented new routes and expanded services which increased our ridership by 100%!

The NCRTD receive national recognition by garnering awards at the 2009 Southwest Transit Association's (SWTA) Marketing Conference in Dallas, TX. The Spotlight Awards honors outstanding work for a marketing campaign that shows a unifying strategy, purpose or theme. This is typically an awareness building or educational campaign. The three Awards received by the NCRTD were for the newspaper insert regarding the Gross Receipts Tax Election. The objective was to provide outreach and voter confidence to support an \$8 million dollar tax initiative within a four county region in North Central New Mexico. Another award was for the NCRTD Route Map which was designed to acquaint the population to the new Public Transportation service within a four county area covering in excess of 10,000 square miles. The third award was won for a 30 second radio spot to assist in an informational effort for a Gross Receipts Tax Election Initiative. The voice of the spot was New Mexico Governor Bill Richardson, a strong supporter of public transportation. The NCRTD also received the honor of garnering a prestigious state award of being the 2009 New Mexico Section 5316 Job Access Reverse Commute Transit System of the Year by the New Mexico Department of Transportation's Rail & Transit Division. It was an honor for me to accept these outstanding awards on behalf of the Board of Director's and my executive team. We are working diligently for north central New Mexico families who rely on public and regional transportation and we hope to continue to lead the way for alternative means of transportation for all citizens in our region and beyond!

Thank you, for allowing me to serve as your Executive Director during this exciting time to bring to fruition regional transit in north central New Mexico.

Sincerely,

*Josette Lucero, MAOM
Executive Director*





A Message from Alfred Herrera, Chairman

2009 marked the North Central Regional Transit District's 2nd Anniversary of Operation. On a crisp October day, we celebrated our second anniversary with the Ground Breaking Ceremony of the Jim West Regional Transit Center on Riverside Drive in City of Espanola.

This was a remarkable and memorable day for the NCRTD! There were many Dignitaries who gathered together to celebrate the success that we had accomplished in a short two years; however, the NCRTD Board of Directors, Executive Staff and dedicated employees as a team, worked diligently and tirelessly to enhance the vitality and worth of regional transit in north central New Mexico by providing an alternative means of transportation for hard working commuting families.

The American Recovery & Reinvestment Act (ARRA) funding for the Jim West Regional Transit Center was in the amount of \$2.5 million and the stimulus dollars made it possible to acquire the property and building for our future Transit Center. It was one of my proudest moments as Chairman of the NCRTD to sign the check for the purchase and renovation of this endeavor.

It was my privilege as Chairman and member of the Board of Directors to pass a Resolution honoring the late Jim West, a fellow councilor and colleague from Los Alamos County in naming the Transit Center in his name. Jim West's memory shall live on as a Champion in providing public transportation to the citizens of north central New Mexico and beyond.

The NCRTD is a progressive and trail blazing organization. They are award winning and are recognized at the national and state levels in the transit and transportation industry as a leader and as an organization who is not afraid to make huge strides in serving those folks who are conscientious of their time, money and the environment by riding public transportation and helping reduce the carbon footprint of north central New Mexico. I wish to thank everyone that worked so hard to bring this organization to where it is today. A personal thanks to the Board of Directors and the Executive Director Josette Lucero for her leadership and to all the staff that deal with the day to day operation.

Thanks again to all,

Alfred Herrera
NCRTD Board Chairman

PASSENGER Transport

THE SOURCE FOR PUBLIC TRANSPORTATION NEWS AND ANALYSIS

MONDAY, OCTOBER 26, 2009 | VOLUME 67, NO. 22

New Mexico's NCRTD Breaks Ground for Facility in Espanola

Dignitaries Celebrate Second Anniversary of Agency

The North Central Regional Transit District (NCRTD) in Santa Fe, NM, broke ground Oct. 9 for its new, 12,000-square-foot public transportation facility in Espanola and commemorated its second year of operation at ceremonies attended by such dignitaries as Ben Lujan, speaker of the state House of Representatives. The district received \$2 million in American Recovery and Reinvestment Act funds for purchase and renovation of the new facility.

Representatives of the state's Congressional delegation, New Mexico DOT, and local governmental entities participated in the program. New Mexico Gov. Bill Richardson and Lt. Gov. Diane Denish, strong supporters of public transit, sent congratulatory letters recognizing the NCRTD for reducing the region's carbon

footprint; providing transportation choices to commuters; and helping families save on their household transportation expenses.

The NCRTD, commonly known as "the Blue Buses," provides free bus service throughout north central New Mexico, connecting with Rail Runner commuter rail and park-and-ride services in Espanola, Los Alamos, and Santa Fe.

Legislation signed by Richardson in 2003 authorized the creation of regional transit districts in the state; the following year, NCRTD, encompassing 10,079 square miles within a region of four counties and five northern Pueblos (Native American jurisdictions), was the first district certified by the New Mexico Transportation Commission. The district received a \$250,000 startup grant

from New Mexico DOT in 2005 and began providing public transit services in October 2007, creating and expanding 15 fixed routes since that time.

In April 2008, the NCRTD Board of Directors approved a Regional County Gross Receipts Tax Resolution adopting a tax of one-eighth percent. Voters approved the regional transit funding referendum for a tax of one-eighth of 1 percent on Nov. 4, 2008, to generate an additional \$8 million for NCRTD operations including Rail Runner.

"I am extremely proud of the work the organization has accomplished throughout these difficult times and I am extremely grateful for the cooperative and collaborative effort by the member organizations," said NCRTD Board Chairman Alfred Herrera.



Marking the start of construction on NCRTD's facility in Espanola, NM, are, from left: front row, Mary Lou Quintana, Santa Clara Pueblo; Jennifer Catechis, representing Rep. Ben Ray Lujan (D-NM); Michele Jacques-Ortiz, representing Sen. Tom Udall (D-NM); Elias Coriz, Rio Arriba County commissioner; Jack Valencia and Ivan Guillen of NCRTD; Alfred Herrera, chairman of the NCRTD board; New Mexico DOT Adjutant Secretary Rebecca Montoya; Josette Lucero, NCRTD executive

director; and Ben Lujan, speaker of the New Mexico state House; second row, Anthony Mortillaro, Los Alamos County; Edwin Tafoya Sr., Santa Clara Pueblo; Charlie Gorzales, Taos County; James Rivera, Pojoaque Pueblo; Liz Stefanics, Santa Fe County commissioner; Pablo Sedillo, representing Sen. Jeff Bingaman (D-NM); Mike Anaya, Santa Fe County commissioner; and Robert Gibson, Los Alamos County.

North Central Regional Transit District (NCRTD) Organization

NCRTD Membership

Counties: Los Alamos, Rio Arriba, Santa Fe, and Taos, **Cities:** Espanola, and Santa Fe, **Pueblo's:** Ohkay Owingeh, Pojoaque, San Ildefonso, Santa Clara, and Tesuque

Board of Directors

The NCRTD is required by the district's by-laws to be governed by a Board of Directors, made of local elected officials and their designees.

The NCRTD Board of Directors is the authority of the governing body. The Board provides direction and performs oversight.

Who Serves on the NCRTD Board of Directors

The NCRTD is governed by an 11-member Board of Directors, which is comprised of local elected officials. Local elected officials consist of Mayors, City Council Members, County Commissioners, and Tribal Elected Officials.

Board Appointments

Each governing entity has one appointee and one designee to the NCRTD Board of Directors.

Board Officers

The officers of the Executive Board include a Chairman, Vice-Chairman and Secretary Treasurer. The officers are elected by the Board of Directors.

Board Meetings

The Board and its committees conduct work in regularly scheduled open meetings. The meetings are structured in a way to allow for public comment. Meeting agendas and related materials are available in advance of meetings. Meeting minutes and past agendas are posted on the NCRTD website and are available to the public.

The NCRTD holds regular meetings on the first Friday of each month. Regular meetings are held from 9:00 a.m. to 12:00 p.m. The location of the meeting rotates within the District and is always noticed in regional newspapers. Additional meetings are held as needed.

Committees of the Board

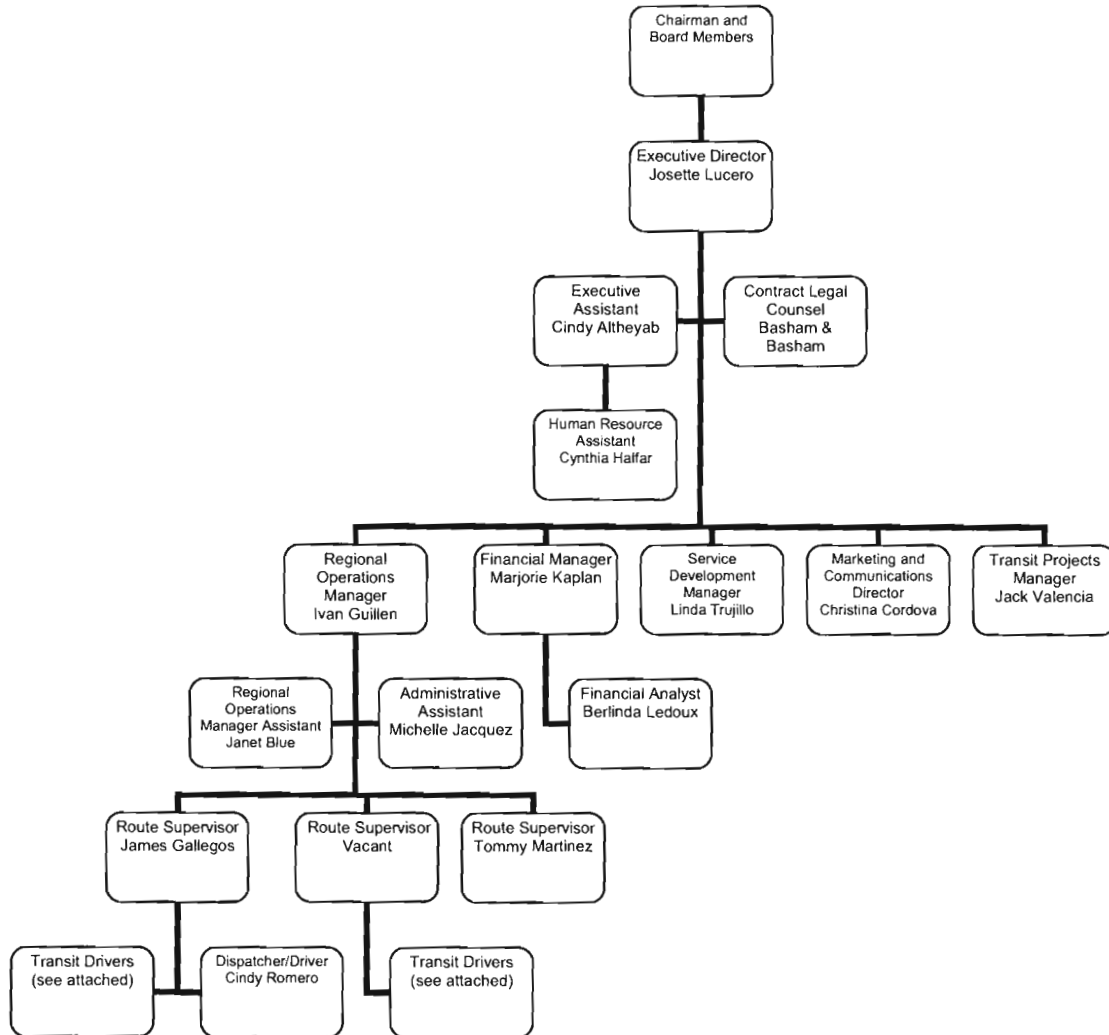
On occasion, the Board appoints ad hoc committees, such as: Executive Committee, Finance and Personnel, Regional Coordination & Consolidation, Marketing, Tribal and others as needed.



Janet Blue, Assistant Operations Manager presenting to the Regional Coordination and Consolidation Sub-Committee

NCRTD Transit Management

North Central Regional Transit District
Adopted by the Board of Directors in December, 2009



The NCRTD has the following office and facility locations:

Administrative Offices:

Santa Fe Office

3600 Rodeo Lane, Suite B-6
Santa Fe, NM 87507

NCRTD Operations

1122 Industrial Rd.
Española, NM 87532

Taos Offices

Town of Taos
Taos County

Overview of the North Central Regional Transit District

The North Central Regional Transit District (NCRTD) was the first Regional Transit District (RTD) in the State and is to be commended for its leadership and visionary approach to addressing public transportation issues within its geographic boundaries.

The formation of the NCRTD has provided opportunities and challenges for the member jurisdictions and those jurisdictions have approached these challenges with a sincere commitment to improve public transportation services to its residents.

The NCRTD is authorized to provide transit service within the counties of Los Alamos, Rio Arriba, Santa Fe and Taos the cities of Espanola and Santa Fe and to five Pueblo's located within the RTD boundaries. The individual transit systems within the RTD are municipal partners. The administrative structure of the NCRTD is designed to support the enhancement of transit services where they currently exist, and to provide an efficient support service to the four (4) Counties which do not individually have the resources or expertise to provide these services.

Why the NCRTD is important to the Region and the state and why it should continue to be supported by the member jurisdictions:

- The primary guiding principle of the NCRTD is for the member agencies to coordinate and consolidate public transportation services on behalf of the Region.
- The RTD can speak as one voice on behalf of the member agencies.
- The RTD is a policy level partner and it is important to show that everyone is working together.
- The RTD can be a source of technical support to the member agencies.
- The RTD can take a broad regional view of the services the citizens need and develop routes and schedules to meet the collective needs.
- The RTD can reduce the need for duplicate or redundant facilities by maximizing the capital investments on behalf of the member agencies.
- From the customer perspective, the RTD can provide one point of contact for information dealing with service, routes, schedules and other operating issues.

2009 Issues the NCRTD should be aware of as we move forward

- The commuter market is becoming increasingly important, particularly with commuting costs becoming more expensive and traffic congestion worsening.
- Improvements to service at the local jurisdictional level need to be addressed.
- Mid-day regional service through and the RTD service area must be addressed.
- The need for state and local funding partnership to match state and federal funds.
- Continuation of collaboration with the Santa Fe MPO and the North Central RPO.
- Integration of long term development of a Santa Fe County transit program.
- The five Pueblos of Tesuque, Pojoaque, San Ildefonso, Santa Clara, and Ohkay Owingeh continue to have a need for both internal transportation service and regional connecting service into Espanola and into Santa Fe.
- Assist Tribes with accessing federal funds (Bureau of Indian Affairs, Federal Transit Administration, and Health and Human Services).
- Development of seamless and fully integrated service providing access to goods and services.
- Los Alamos, Rio Arriba, Santa Fe and Taos Counties have reached an important stage in their development and are facing more complex local and regional transportation problems, which could require a much greater role for transit. These Counties are now looking at ways to make their communities more supportive of transit and this will impact transit demand.

Results of 2009 Goals and Objectives of the NCRTD

The goals and objectives listed below were offered for consideration by the NCRTD in order to achieve an effective and efficient transportation network within the transit service areas of Los Alamos, Rio Arriba, Santa Fe and Taos Counties.

Goal 1: Establish a reliable and adequate source of financing for NCRTD transit services.

Objectives:

- Secure stable local funding through tax option in RTD legislation to match federal funds and state funds (should they become available).
- Maximize the utilization of available federal funds.
- Advocate for state funding for public transportation to allow a federal/state/local partnership on transit funding.
- Explore public/private partnerships.
- Explore creative financing opportunities that have been successfully used by other transit systems and local governments.

2009 RESULTS

- The RTD assisted the NMPTA with legislative assistance for state funding
- The RTD received Congressional Earmark monies of \$475,000.00
- The RTD received American Recovery & Reinvestment Act (ARRA) funding of \$2 million
- The RTD matched all federal funds available with member's local match
- The RTD met with NM Finance Authority and Local Government Division (DFA) to identify financing opportunities

Goal 2: Increase personal mobility so that more people can contribute to, and participate in, the economic and social life of the larger community.

Objectives:

- Provide local and regional connecting service into and from the geographic boundaries of the NCRTD to major employment and community centers.
- Provide this service not only during commute times but throughout the day as well.
- In addition to fixed route service, support commute options such as carpool, vanpool, and inter regional bus services.
- Either provides the service directly or through a contract provider, depending on costs, equipment and other operating issues.
- Develop a marketing and advertising strategy to increase awareness of this type of service.

2009 RESULTS

- The RTD hired a full time Marketing and Communications Director to positively promote the NCRTD with the public and media
- The RTD provides off peak, mid-day service to Los Alamos County
- The RTD expanded services to the Rail Runner South Capitol Station
- The RTD marketed and advertized in newspapers, radios and newsletters in the four county District



New Bus Shelter sign at Rail Runner Station South Capitol Station, Santa Fe

Goal 3: Ensure that citizens of the NCRTD have access to critical lifeline services.

Objectives:

- Develop frequent, convenient and fully accessible service for the special needs population which prioritizes access to medical and special care services, and also strives to provide access to other services that contribute to a better quality of life for this segment of the population.
- Work with local coalitions of transportation and social service providers, community and advocacy groups and individuals to identify community needs and prioritize service investments.

2009 RESULTS

-The RTD met with AARP to identify assistance and service to the aging population.

-The RTD met with social service organizations providers to identify common services and efficiencies that could be jointly attained.

-The RTD met with Medicaid management, contract providers, and a National consultant to determine opportunities for service and reimbursement to be provided by the RTD.

-The RTD met with Senior Citizen Centers encouraging seniors to ride transit

-The RTD provides sensitivity driver training.



Passengers load up on the "Blue Bus" in Espanola heading to Santa Fe

Goal 4: Ensure that the NCRTD Service plan is consistent and complementary to the Regional Transportation Policy Plan

Objectives:

- NCRTD is an active member of the RPO's and the Santa Fe MPO
- Quantify the benefits of an effective network of public transportation Services and serve as an advocate for utilizing transit to help meet the Regional Transportation goals of the area.

2009 RESULTS

-The RTD continued to participate in meeting and planning with both the North Central Regional Planning Organization (NCRPO) and Santa Fe Metropolitan Planning Organization (MPO).

-Research shows that Public Transit savings and cost benefit to riders

-Research shows that there is infrastructure savings by getting cars off the road

-Research shows the reduction of fuel emissions and improved environment



NCRTD Staff at 2009 Employee Christmas Luncheon, Espanola, NM

Goal 5: Develop a set of performance measures that maximizes the use of all funds made available to the NCRTD

Objectives:

- Establish a monitoring system that tracks trends in system performance, and overall success in providing quality public transportation services for residents of the NCRTD.
- Assist communities in developing new or improved ways of combining resources to fund the highest priority needs.
- Chart investments, service improvements and ridership over time to determine the best approach to providing services.

2009 RESULTS

-The RTD continues to compile monthly data and monitors effects and trends in ridership

-The RTD continues to work with member entities to insure funding priorities are addressed and is always looking to combine resources for greater leveraging of match requirements.

The RTD abides by the NMDOT performance measures in the CRRRAFT reporting system that monitors cost per trip and mile.



Future Home of the NCRTD – The Jim West Regional Transit Center, Espanola, NM

Goal 6: Reduce dependence on the private auto to contribute to improved air quality, reduce urban sprawl and lower levels of traffic congestion.

Objectives:

- Introduce a broad range of transit services that serves different markets.
- Develop high quality service that is complementary to the other modes, and is competitive with the private auto in terms of comfort, safety and convenience.
- Integrate transit service and land use policies.

2009 RESULTS

-The RTD began transit services with local area emphasis, and broadened to commuter transit for workforce purposes, in addition to servicing rural riders into urban centers for commerce, medical, and educational purposes.

-The RTD provides high quality of service while providing the rider with cost effective, safe, convenient, and dependable transportation.

-The RTD continues to coordinate with Santa Fe Trails, Atomic City Transit, Taos Chile Lines, and NM Park and Ride to transfer passengers for greater mobility.

-The RTD reduced dependence with single occupancy vehicles by initiating new service in the region, thus helping in the reduction of the regions carbon footprint.



Chairman Alfred Herrera is pictured with State Representative Roberto "Bobby" Gonzales and NMDOT Rail & Transit Officials during the 2009 "Transportation Day" at the Legislature

NCRTD 2009 RESOLUTIONS ACTED ON

2009-01

AUTHORIZING THE NORTH CENTRAL REGIONAL TRANSIT DISTRICT (NCRTD) EXECUTIVE STAFF TO SEEK SUPPORT FROM THE NEW MEXICO DEPARTMENT OF TRANSPORTATION COMMISSION OF THE NCRTD'S TRANSIT CAPITAL REQUEST AND TRANSIT PROJECT INCLUSION IN PRESIDENT OBAMA'S ECONOMIC STIMULUS BILL

2009-02

REQUIRING ALL MEMBER SERVICE PLANS TO BE REVIEWED AND APPROVED BY THE NORTH CENTRAL REGIONAL TRANSIT DISTRICT (NCRTD)

2009-03

REQUIRING ACCOUNTABILITY FOR ALL (NCRTD) FUNDS DISTRIBUTED TO NCRTD MEMBERS

2009-04

2008-2009 ADJUSTED BUDGET

2009-05

2009-2010 PRELIMINARY BUDGET

2009-06

CONTINUE RESOLUTION 2008-17 TO ELIMINATE FARES FOR ALL FIXED R PARATRANSIT UP TO THREE FOURTHS OF A MILE FROM FIXED ROUTES OF THE NORTH CENTRAL REGIONAL TRANSIT DISTRICT

2009-07

REQUIRING REVIEW AND COORDINATION OF MEMBER'S LOCAL SERVICE PLANS AND ACCOUNTABILITY FOR ALL NCRTD FUNDS DISTRIBUTED TO NCRTD MEMBERS

2009-08

OPEN MEETINGS ACT AMENDED

2009-09

DIRECTING AND AUTHORIZING THE EXECUTIVE DIRECTOR TO PROCEED WITH DUE DILIGENCE IN ORDER TO NEGOTIATE AND ACQUIRE REAL PROPERTY SELECTED BY THE BOARD

2009-10

RATIFYING AND AUTHORIZING THE PURCHASE OF REAL PROPERTY

2009-11

2009-2010 FINAL BUDGET

2009-12

AUTHORIZING THE NORTH CENTRAL REGIONAL TRANSIT DISTRICT (NCRTD) EXECUTIVE STAFF TO SEEK INFRASTRUCTURE CAPITAL IMPROVEMENT PLANNING (ICIP) FUNDING, CAPITAL OUTLAY FUNDING AND 5309 FEDERAL TRANSIT ADMINISTRATION (FTA) DISCRETIONARY FUNDING

2009-13

DEFINING STANDARDS AND PRACTICES FOR THE IMPLEMENTATION OF NEW SERVICE ROUTES

2009-14

FINANCIAL POLICIES

2009-15

AMERICANS WITH DISABILITIES ACT

2009-16

OPEN MEETINGS ACT "2010 MEETING CALENDAR"

2009-17

JIM WEST REGIONAL TRANSIT CENTER

Service Characteristics

Fare Structure

The North Central Regional Transit District's planned fare structure will be a combination of demand response, fixed rate as well as zone-based structure. The following table shows current fares in effect:

ZONE	AREA	FIXED ROUTE AND		MONTHLY PASS	MONTHLY PASS
		CURB TO CURB	DOOR TO DOOR	20 RIDES	20 RIDES
Zone 1	0-15 Miles	\$1.00	\$2.00	\$18.00	\$36.00
Zone 2	16-30 Miles	\$2.00	\$4.00	\$36.00	\$72.00
Seniors	(Age 60 +)				
Zone 1		\$0.50	\$1.00	\$9.00	\$18.00
Zone 2		\$1.00	\$2.00	\$18.00	\$36.00
Students	(Age 13 +)	Regular Fare			

**** Adopted Free Fares according to Resolution 2008-16 A Resolution extending Resolution 2008-04:**

Eliminating fares on a trial basis for all fixed routes and Paratransit up to three-fourths of a mile from fixed routes operated by the NCRTD

Hours and Days of Service

Transit services are available from 6:00 a.m. until 7:00 p.m. Monday-Friday. No Saturday service was available in 2009. Additionally, no service was available on holidays, these holidays include: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day.

Paratransit services are available at all times of operation. Most vehicles are lift equipped and all drivers are trained in Passenger Safety and Security. Demand response service will be transitioning toward the fixed route service recommended by the 2006 service plan. All new vehicles procured are wheel chair equipped, meeting all ADA requirements.

Service Area & Service Connections.

The service area for the North Central Regional Transit District follows the boundaries of the member entities. Presently, service in Rio Arriba County is centered on the Espanola area. Due to the way the Santa Fe County line intersects into the City of Espanola, there is minimal service into Nambe and Pojoaque which lie in Santa Fe County. The NCRTD has coordinated connective services with the five tribal members, Park and Ride, Municipal members and to the Rail Runner in Santa Fe.

Highlights of Ground Breaking Ceremony, October 2009



Linda Trujillo, Service Development Manager is photographed with Chairman Alfred Herrera receiving the SWTA Award for the Route Map she designed



Jack Valencia Transit Manager is photographed with Josette Lucero, Executive Director & Chairman Alfred Herrera receiving the SWTA Award for the GRT Election campaign material he designed

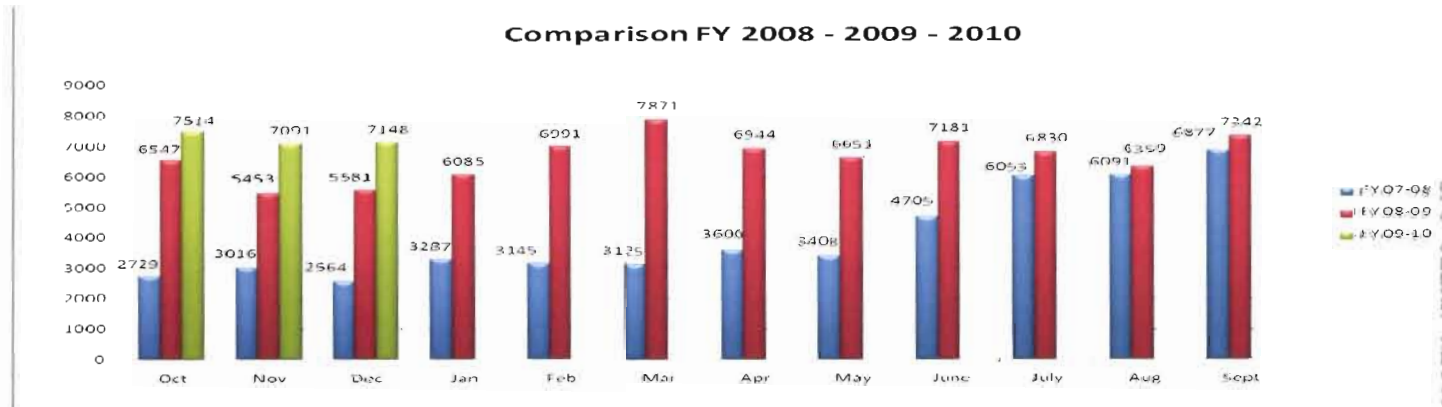


NCRTD Drivers attended the 2009 2nd Year Anniversary Celebration and the Ground Breaking Ceremony of the Jim West Regional Transit Center



Dignitaries proudly pose with the ARRA sign at the 2009 2nd Year Anniversary Celebration and the Ground Breaking Ceremony of the Jim West Regional Transit Center

2009 Ridership Data



FFY 08-09

Explanations for Amounts of Monthly Increases/Decreases

Oct 08	Down 243 trips – 3.5%
Nov 08	Down 1181 trips 8.0% 17 days of operating average is 21
Dec 08 month	Up 2.4% from Nov. increase of 2 more rider days this
Jan 09	Up 9.1% from Dec passengers tend to ride during inclement weather also increase rider days
Feb 09	Up 14.89% from January
Mar 09	Up 12.59% from February
Apr 09	Down 11.78% from March Spring Break from Schools
May 09	Down 4.2% from April 2 less rider days
Jun 09	Up 8% from May 22 rider days
Jul 09	Down 5% summer generally shows lower ridership as people are walking and biking- schools are closed
Aug 09	Down 6.90% summer and schools are closed
Sept 09	Up 5.25% schools are back in session
Oct 09	Increase 2.35% from Sept. due to increase in rider days from Sept.
Nov 09	Decrease of 5.65% FROM Oct due to 18 rider days due to Holiday closures
Dec 09	Increase 2.35% from Nov 22 rider days

Year to Date Ridership

07-08	48,600 yearly ridership October 1, 2007- September 30, 2008 (NCRD first year of operation)
08-09	79,835 yearly ridership -October 1, 2008- September 30, 2009

FY 2008-2009 Annual Budget

Federal Funds

ARRA Stimulus Funds	2,000,000
5304 Planning	100,000
5309 Capital	475,000
5311 Administrative	567,288
5311 Operating	467,510
5311 Capital	117,920
5316 (JARC)	350,000
TANF	47,000
Tribal Transit	250,000

Local Matches

City of Espanola	37,804
Ohkay Owingeh	7,500
Pueblo of Pojoaque	30,000
Pueblo of San Ildefonso	30,000
Pueblo of Santa Clara	9,521
Pueblo of Tesuque	43,572
Taos County	59,635
LA Contribution	880,000
Rio Arriba County	113,200
Santa Fe County	120,000

Total Annual Budget \$5,705,950



Jack Valencia, Transit Manager and Board Member Jon Bulthuis review and the budget

Fleet Inventory

UNIT #	Plate #	VIN NUMBER	MAKE	MODEL	PASS #	CONFIG	YEAR	MILEAGE
T-500	G-76190	3FRNF65C19V127602	FORD/GLAVAL	F-650	32	BUS	2009	68,144
T-502	G75210	1FD3E5L28DA70733	FORD/STARTRANS	E-350	12	CUTAWAY EXTD	2008	68,144
T-506	G-42696	2B6LB31Z8XK577166	DODGE/BRAUN	B-350	10	VAN EXTD	1999	202,679
T-507	G-42694	2B6LB31Z4XK577181	DODGE/BRAUN	B-350	10	VAN	1999	185,541
T-509	G-47617	2B4JB25Y51K533242	DODGE/BRAUN	B-150	10	VAN	2001	198,082
T-510	G-47609	1FMRE11LXYHB11753	FORD	E-150	N/A	VAN EXTD	2000	200,125
T-511	G-64858	2B5WB35Z61K555167	DODGE/BRAUN	B-350	10	VAN EXTD	2001	203,882
T-512	G-64403	2B5WB35Z01K555164	DODGE/BRAUN	B-350	10	VAN	2001	133,454
T-513	G-66741	1FDWE35L16DA40455	FORD/STARTRANS	E-350	12	CUTAWAY	2006	77,935
T-514	G-66740	1FDWE35LX6DA40454	FORD/STARTRANS	E-350	12	CUTAWAY	2006	84,723
T-515	G-66739	1FDWE35L36DA40456	FORD/STARTRANS	E-350	12	CUTAWAY	2006	92,952
T-516	G-75415	1FDWE35L27DB21675	FORD/STARTRANS	E-350	12	CUTAWAY EXTD	2007	58,259
T-517	G-75416	1FTSS34L17DB41364	FORD/BRAUN	E350	10	VAN	2007	92,826
T-518	000968SG	1GBDV13W68D147585	CHEVY/BRAUN	UPLANDER	6	MINI VAN	2008	29,000
T-519	G-74640	1GBDV13W98D151758	CHEVY/BRAUN	UPLANDER	6	MINI VAN	2008	83,961
T-520	G-74641	1FD3E35L28DB32499	FORD/STARTRANS	E-350	12	CUTAWAY	2008	75,311
T-521	G-71610	1FDWE35L9DB26498	FORD/GOSHEN	E-350	12	CUTAWAY	2007	108,521
T-522	G-71608	1FDWE35L37DB26495	FORD/GOSHEN	E-350	12	CUTAWAY	2007	73,821
T-523	G-71609	1FDWE35L07DB32495	FORD/GOSHEN	E-350	12	CUTAWAY	2007	73,208
T-524	G-75417	1GBDV13W17D190620	CHEVY/BRAUN	UPLANDER	6	MINI VAN	2007	101,155
T-525	G-71558	2G1WB58K089185152	CHEVROLET	IMPALA	N/A	SEDAN EXTD	2008	22,500
T-526	G-74639	1FT2S34L48DB41635	FORD/BRAUN	E-350	10	VAN EXTD	2008	33,706
T-527	G-75123	1FT2534L18DB44976	FORD/BRAUN	E-350	10	VAN	2008	100,298
T-528	G-76188	3FRNF65C89V127600	FORD/GLAVAL	F-650	32	BUS	2009	44,484
T-529	G-76189	3FRNF65CX9V127601	FORD/GLAVAL	F-650	32	BUS	2009	43,994
T-530	G-76192	3FRNF65C89V123160	FORD/GLAVAL	F-650	40	BUS	2009	20,614
T-531	G-76191	3FRNF65C29V123154	FORD/GLAVAL	F-650	40	BUS	2009	35,282
T-532	G-76306	1GBDV13WX8D211756	CHEVY/BRAUN	UPLANDER	6	MINI VAN	2008	37,296
T-533	G-76305	1GBDV13W980198966	CHEVY/BRAUN	UPLANDER	6	MINI VAN	2008	48,592
T-534	001499SG	1GDE5V1969F406260	GMC/GLAVAL	C5500	28	BUS	2009	33,296
T-535	001498SG	1FDEE35L19DA52802	FORD/GOSHEN	E-350	12	CUTAWAY	2009	20,734
T-536	001501SG	1FDEE35L49DA52776	FORD/GOSHEN	E-350	12	CUTAWAY	2009	31,368

2009 Summary

"I am extremely proud of the work the organization has accomplished throughout these difficult times and I am extremely grateful for the cooperative and collaborative effort by the member organizations. One of the SWTA awards we received was for the Gross Receipts Tax Initiative and that is a reflection of the continued support of the general public regarding rural transit in North Central New Mexico", said NCRTD Board Chairman, Alfred Herrera.

In 2009, the North Central Regional Transit District garnered three 1st Place Awards at the Southwest Transit Association's Marketing Workshop in Dallas, TX. SWTA represents eight states in the southwest which include Arizona, Arkansas, Colorado, Kansas, Louisiana, New Mexico, Oklahoma and Texas. The SWTA Spotlight Awards honor outstanding work for a total transit marketing campaign and recognizes a total mixed-media marketing campaign that shows a unifying strategy, purpose or theme. This is typically an awareness building or educational campaign.

The three Awards received by the NCRTD were for the newspaper insert regarding the Gross Receipts Tax Election. The objective was to provide outreach and voter confidence to support an \$8 million dollar tax initiative within a four county region in North Central New Mexico. Another award was for the NCRTD Route Map which was designed to acquaint the population to the new Public Transportation service within a four county area covering in excess of 10,000 square miles. The third award was won for a 30 second radio spot to assist in an informational effort for a Gross Receipts Tax Election Initiative. The voice of the spot was New Mexico Governor Bill Richardson, a strong supporter of public transportation.

The NCRTD also proudly celebrated its 2nd Year Anniversary and Ground Breaking Ceremony of the new Transit Facility in Espanola in October. The Ceremony was at the new location of the Jim West Regional Transit Center located on Riverside Drive. The NCRTD received \$2 million dollars from the American Recovery & Reinvestment Act abbreviated as ARRA, signed by the 111th Congress and President Obama for the purchase and renovation of the new Transit facility.

The official ceremony consisted of numerous speakers representing the New Mexico Congressional Delegation, NMDOT, Los Alamos, Rio Arriba, Santa Fe and Taos Counties. Ben Lujan, Speaker of the House of Representatives and a strong advocate of rural and public transit addressed the crowd gathered to celebrate the event.

The most important accomplishment for 2009 was the purchase and Ground Breaking Ceremony of the Jim West Regional Transit Center in Espanola in October, 2009. The \$2 million dollar investment was with the ARRA funding received by the NCRTD.

Shelly Cobau

From: Mary Silver [mary@marysilvercpa.com]
Sent: Monday, October 11, 2010 5:22 PM
To: Harry B. Montoya; Kathy S. Holian; Liz Stefanics; Mike Anaya; Virginia Vigil
Cc: Jack Kolkmeier; Shelly Cobau; Stephen C. Ross; Rachel A. Brown
Subject: Ordinance No. 2010 - ____, An Ordinance Amending Article III, Section 7, Community Service Facilities of the Santa Fe County Land Development Code, Ordinance 1996-10 for the Purpose of Clarifying Standards And Submittal Requirements

Dear Board of County Commissioners and the County Staff :

As concerned citizens of Santa Fe County, my husband and I wish to let you know that:

We SUPPORT the changes that the County is recommending in their current form and we adamantly oppose the suggestion to drop the compatibility requirement with neighboring uses. We want the Code upheld!

We thank you for your service to our community, and for your attention to this matter.

Sincerely,
Mary and Joel Silver
13 Tierra Adentro
Santa Fe, NM 87508

SFC CLERK RECORDED 11/12/2010

SFC CLERK RECORDED 11/13/2010

Shelly Cobau

From: Barbara Reider [breider@reiderassociates.com]
Sent: Monday, October 11, 2010 3:56 PM
To: Harry B. Montoya; Kathy S. Holian; Liz Stefanics; Mike Anaya; Virginia Vigil; Jack Kolkmeier; Shelly Cobau; Stephen C. Ross
Subject: Ordinance No.2010

*RE: **Ordinance No. 2010 - ____, An Ordinance Amending Article III, Section 7, Community Service Facilities of the Santa Fe County Land Development Code, Ordinance 1996-10 for the Purpose of Clarifying Standards And Submittal Requirements***

*****_We SUPPORT the changes that the County is recommending in their current form and we adamantly oppose the suggestion to drop the compatibility requirement with neighboring uses. We want the Code upheld!

_Barbara and Rob Reider
41 Likely Rd
Santa Fe 87508_
_*
_

SFC CLERK RECORDED 11/12/2010
SFC CLERK RECORDED 13/2011

October 8, 2010

Ms. Kathleen Holian
Commissioner District 4
kholian@co.santa-fe.nm.us
P.O. Box 276
Santa Fe, New Mexico 87504-0276

Re: Ordinance No. 2010-____, An Ordinance Amending Article IIIm Section 7, Community Service Facilities of the Santa Fe County Land Development Code, Ordinance 19967-10 for the Purpose of Clarifying Standards and Submittal Requirements

Dear Commissioner Holian:

We are writing to express our support of the above referenced Ordinance in its current form, which was submitted by Shelly Cobau, Building and Development Services Manager, at the Board of County Commissioners' (BBC) public hearing held on September 14, 2010.

We are adamantly opposed to any change to the Land Development Code that would exempt any community service facility from the requirements contained in Article III, Section 7.1. In addition, we believe that any community service facility must be necessary and its use compatible with existing development in the area as required by Article III, Section 7.1. The Code, as written and as it exists, is a neutral law in its construction and application, and it does not discriminate against any person, religion or entity.

We also oppose the suggestion to go forward with administrative approvals for community service facilities.

In recognition that county ordinances and codes are established for the overall good of the entire community, and in acknowledgement that these ordinances and codes must be applied equally to all persons and entities without exceptions, exclusions or prejudice for the immediate and limited benefit to only one party, we urge you and the County to:

- 1) SUPPORT the amendments contained in the above referenced Ordinance that Ms. Cobau and County Staff are recommending in their current form.
- 2) OPPOSE the suggestion to drop the necessity and compatibility with neighboring uses requirements in the Code.
- 3) OPPOSE allowing community services facilities to be approved administratively.

Respectfully,

Sheila and Robert Seigel
33 Brass Horse Rd.
Santa Fe, NM 87508

Cc:

Mr. Henry Montoya
County Commissioner Chair
District 1
hmontoya@co.santa-fe.nm.us
Santa Fe County Commission
102 Grant Ave.
Santa Fe, NM 87501

Ms. Virginia Vigil
Commissioner District 2
vvigil@co.santa-fe.nm.us
102 Grant Ave.
Santa Fe, NM 87105

Mr. Mike D. Anaya
Commissioner District 3
manaya@co.santa-fe.nm.us
715 C B-Anaya Road
Stanley, NM 87056

Ms. Liz Stefanics
Commissioner District 5
lstefanics@co.santa-fe.nm.us
P.O. Box 720
Cerrillos, NM 87010

Shelly Cobau
scobau@co.santa-fe.nm.us

Jack Kilkmeier
jkolkmeier@co.santa-fe.nm.us

SFC CLERK RECORDED 11/17/2010
SFC CLERK RECORDED 11/13/2011

Shelly Cobau

From: Joyce Levine [joycebaby@comcast.net]
Sent: Sunday, October 10, 2010 6:07 PM
To: 1stefanics@co.santa-fe.nm.us
Cc: Shelly Cobau
Subject: Fwd: Ordinance 2010

Begin forwarded message:

From: Joyce Levine <joycebaby@comcast.net>
Date: October 10, 2010 6:05:43 PM MDT
To: kholian@co.santa-fe.nm.us
Cc: hmontoya@co.santa-fe.nm.us
Subject: **Ordinance 2010**

Re: Ordinance #2010 ...an ordinance amending article III, Section 7, Community Service Facilities of the Santa Fe County Land Development Code, Ordinance 1996-10 for the purpose of clarifying standards and submittal requirements

Dear Commissioner Holian:

We are writing to express our support of the above referenced Ordinance in its CURRENT FORM, which was submitted by Shelley Cobau, Building & Development Services Manager, at the Board of County Commissioners' (BCC) public hearing held on September 14, 2010.

We are adamantly opposed to any changes to the Land Development Code that would exempt any community service facility from the requirements contained in Article III, Section 7.1. In addition, we believe that any community service facility must be necessary and its use compatible with existing development in the area as required by Article III, Section 7.1.

The request for a non-residential/commercial rezoning in Arroyo Hondo is not about how people choose to worship. IT IS ABOUT LAND USE AND WHETHER OR NOT THE NEWLY PROPOSED ACTIVITY IS COMPATIBLE WITH EXISTING LAND USE. SANTA FE COUNTY'S EXISTING CODE IS NEUTRAL IN ITS CONSTRUCTION AND APPLICATION.

It is wrong for one group to attempt to hijack the existing Land Use Code in order to attempt to make their project happen. Local zoning is crucial to the socioeconomic stability of communities, crucial to protect public health, safety and welfare, crucial to ensure that there are no public nuisances, amongst other very compelling governmental reasons.

Sincerely,

Gerald & Joyce Levine

cc: Hmontoya@co.santa-fe.nm.us
vvigil@co.santa-fe.nm.us

manaya@co.santa-fe.nm.us
lstefanics@co.santa-fe.nm.us
scobau@co.santa-fe.nm.us
ikolkmey@co.santa-fe.nm.us
sross@co.santa-fe.nm.us

SFC CLERK RECORDING/IS/ZBH

JERRY & JOYCE LEVINE
161 Arroyo Hondo Road
Santa Fe, New Mexico 87508
(505) 984-2891

October 11, 2010

Ms. Kathy Holian
Commissioner District 4
kholian@co.santa-fe.nm.us
P.O. Box 276
Santa Fe, New Mexico 87504-0276

Re: Ordinance #2010 an ordinance amending article III, Section 7, Community Service Facilities of the Santa Fe County Land Development Code, Ordinance 1996-10 for the purpose of clarifying standards and submittal requirements

Dear Commissioner Holian:

We are writing to express our support of the above referenced Ordinance in its current form, which was submitted by Shelley Cobau, Building and Development Services Manager, at the Board of County Commissioners' (BCC) public hearing held on September 14, 2010.

We are adamantly opposed to any changes to the Land Development Code that would exempt any community service facility from the requirements contained in Article III, Section 7.1. In addition, we believe that any community service facility must be necessary and its use compatible with existing development in the area as required by Article 3 III, Section 7.1.

The request for a non-residential/commercial rezoning in Arroyo Hondo is not about how people choose to worship. It is about land use and whether or not the newly proposed activity is compatible with existing land use. Santa Fe County's existing Code is neutral in its construction and application.

It is wrong for one group to attempt to hijack the existing Land Use Code in order to attempt to make their project happen. Local zoning is crucial to the socioeconomic stability of communities, crucial to protect public health, safety and welfare, crucial to ensure that there are no public nuisances, amongst other very compelling governmental reasons.

Sincerely,

Gerald & Joyce Levine

SFC CLERK RECORDED 11/12/2010
SFC CLERK RECORDED 11/13/2010

Shelly Cobau

From: ecookromero [ecookromero@cybermesa.com]
Sent: Friday, October 08, 2010 10:58 AM
To: Shelly Cobau
Subject: ordinance 2010

Shelley Cabau,

I am a resident of the Puesta del Sol neighborhood, and I'm concerned about proposed changes in the County Code. No group should be exempt from the law. Churches and religious ordinations need to follow the same rules as all other residents.

We SUPPORT the changes that the County is recommending in their current form and we adamantly oppose the suggestion to drop the compatibility requirement with neighboring uses. We want the Code upheld!

Elizabeth Romero
34 Calle el Gancho
Santa Fe, NM 07507
505-473-7151

SFC CLERK RECORDED 11/12/2010
SFC CLERK RECORDED 11/13/2010

Ms. Kathy Holian
Commissioner District 4
kholian@co.santa-fe.nm.us
P.O. Box 276
Santa Fe, New Mexico 87504-0276

October 8, 2010

Re: Ordinance No. 2010 - ___, An Ordinance Amending Article III, Section 7,
Community Service Facilities of the Santa Fe County Land Development Code,
Ordinance 1996-10 for the Purpose of Clarifying Standards And Submittal Requirements

Dear Commissioner Holian and the Board of County Commissioners and County Staff:

I am writing to express my support in its current form of the above referenced Ordinance (Exhibit C attached), which was submitted by Shelley Cobau, Building and Development Services Manager, at the Board of County Commissioners' (BCC) Public Hearing held on September 14, 2010. (September 14, 2010 draft minutes attached)

I am adamantly opposed to any changes to the Land Development Code (Code) that would exempt any community service facility from the requirements contained in Article III, Section 7.1. In addition, I believe that any community service facility must be necessary and its use compatible with existing development in the area as required by Article III, Section 7.1.

I have attached a letter from Ronald J. VanAmberg, Esq. that analyzes the Code, the Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA) and the controlling case in this jurisdiction, *Grace United Methodist Church v. City of Cheyenne, et al.*, 451 F.3d 643 (10th Cir. 2006), which makes it clear that the Code, as written and as it exists, is already a neutral law in its construction and application. It does not discriminate against any religion or entity. The Code regarding churches is already constitutional.

I also oppose the suggestion to go forward with administrative approvals for rezoning requests. Section 4.2.3 re ZONING states: d. An application to establish a new district or to amend an existing district shall be considered a re-zoning and subject to the review and recommendation of the CDRC and approval of the Board. (612761).

A public process is a democratic process.

As you are aware, the proposed amendment to the Ordinance is merely a technical amendment. Currently, Section 7.2 states; "The submittals and reviews for community service facilities shall be those provided for in Article III, *Section 4.5*". As Ms. Cobau pointed out in her Staff report at the August 10, 2010 BCC public hearing, there is no

Section 4.5 in the current Land Development Code: “[The Code] ends at 4.4. There is a 4.5 in th[e] 1988 code but community service facilities are not mentioned in this subsection 4.5 of this 1988 code....All along staff has been utilizing the articles of the code that are mentioned in the proposed clarification...We’re bringing something forward we want to make it crystal clear that we’re not following a policy but we’re really following a code that’s in the book.” (Exhibit A attached, BCC Draft Minutes August 10, 2010)

Ms. Cobau also noted that a compiler’s note at the end of Section 7.2 references this superseded Section 4.5 and that the County proposes removing this compiler’s note for the purposes of clarification.

Finally, in her Staff report of August 10, 2010, Ms. Cobau states that the proposed amendment to the Ordinance will restore paragraphs 7.1.3 and 7.2 that clarify the requirements that community service facilities need for zoning in the form of a master plan application heard by the CDRC and the BCC. She stated that the Ordinance will also require the subsequent submittal of a preliminary and final development plan consistent with current practice.

In the August 10, 2010 minutes, Ms. Cobau states: “It is important to note that submittal requirements are not changing from current and historic practices... Recent applications that have been processed using the master plan/development plan processes include the Santa Maria de le Paz Church, Bridging the World Animal Sanctuary, Mission Viejo School and Church, Children’s Garden Montessori School, New Mexico Boys and Girls Ranch and the Seventh Day Adventist Church.”

In response to Commissioners’ questions, the August 10, 2010 minutes also show that Rachael Brown, Deputy County Attorney, stated: “Chair Montoya and Commissioners, this is not a change to the ordinance; this is a clarification of how the ordinance is being utilized at this time. So it doesn’t change the process that has been in place since the ordinance was adopted and it would continue to be utilized in that way. It is simply a clarification.”

I urge you and the County to SUPPORT the changes in their current form that the County staff is recommending. I urge you to OPPOSE the suggestion to drop the necessity and compatibility with neighboring uses requirements in the code.

Most sincerely,

Linda Spier

Linda Spier
5 Brass Horse Lane
Santa Fe, NM 87508

SFC CLERK RECORDED 11/12/2010
SFC CLERK RECORDED 13/2011

cc:

Board of Santa Fe County Commissioners:

Mr. Henry Montoya
County Commissioner Chair
Commissioner, District 1
hmontoya@co.santa-fe.nm.us
Santa Fe County Commission
102 Grant Ave.
Santa Fe, New Mexico 87501

Ms. Virginia Vigil
Commissioner District 2
vvigil@co.santa-fe.nm.us
102 Grant Avenue
Santa Fe, New Mexico 87501

Mr. Mike D. Anaya
Commissioner District 3
manaya@co.santa-fe.nm.us
715 C B-Anaya Road
Stanley, New Mexico 87056

Ms. Liz Stefanics
Commissioner District 5
lstefanics@co.santa-fe.nm.us
P.O. Box 720
Cerrillos, New Mexico 87010

County Staff:

Mr. Jack Kolkmeier
Ms. Shelley Cobau
Mr. Stephen Ross
Ms. Rachel Brown

DRAFT

Manager and the with other departments to see if we can get some volunteers to help us with those other three slots and maybe even the other six slots. We're looking at asking employees who may live down in the Edgewood area and would already be there so they wouldn't have to waste gas. So we're going to be working with the departments to see if we can get some help.

COMMISSIONER STEFANICS: Okay. Thank you. Penny, what is the long-term staff assignment for these satellite offices?

MS. ELLIS-GREEN: Mr. Chair, Commissioner Stefanics, it hasn't been finalized yet. I am working with Joseph to ensure that we have coverage for the hours that were stated for all three satellite offices.

COMMISSIONER STEFANICS: So I know that at one time we had considered utilizing our liaisons in those offices. Is that still being considered?

MS. ELLIS-GREEN: Mr. Chair, Commissioner Stefanics, that may be an option to have them staff one day a week.

COMMISSIONER STEFANICS: So you'll be reporting back to us on what is the setup?

MS. ELLIS-GREEN: We can report back as to who will take each shift. Yes.

COMMISSIONER STEFANICS: Thank you very much.

CHAIRMAN MONTOYA: Okay. Other questions? Thank you, Agnes. Thank you, Paul.

XII. B. Growth Management Department

1. Consideration of Publication of Title and General Summary for an Ordinance Amending Article III, Section 7, Community Service Facilities of the Santa Fe County Land Development Code, Ordinance 1996-10 for the Purpose of Clarifying Standards and Submittal Requirements

SHELLEY COBAU (Development Review): Thank you, Mr. Chair, members of the Commission. Staff requests BCC approval to publish title and general summary of an ordinance amending Article III, Section 7, Community Service Facilities, of the Santa Fe County Land Development Code, Ordinance 1996-10, for purposes of clarifying standards and submittal requirements. The amendment entails removal of the compiler's note at the end of subsection 7.2 and will clarify the requirements such facilities need for zoning in the form of a master plan application heard by the CDRC and this governing body. It will also require the subsequent submittal of a preliminary and final development plan pursuant to current practice. The compilers note references a superceded 1988 ordinance and outlines outdated submittal processes no longer utilized. It is unclear why this was not previously addressed through amendment.

The policy action taken by staff on community service facilities, which include police



SFC CLERK RECORDED 11/17/2011
SFC CLERK RECORDED 11/15/2011

DRAFT

and fire stations, elementary and secondary daycare centers, schools, community centers and churches, have historically required the use of the proposed code sections currently incorporated into the 1996 version of the Land Development Code. The compiler's note referenced ordinance does not include a reference to community service facilities but rather describes a process for various types of commercial projects used in 1988 which is no longer applicable.

It is important to note that submittal requirements are not changing from current and historic practices, but the code clarification in the middle of the obsolete compiler's note is important. Recent applications that have been processed using the master plan/development plan processes include the Santa Maria de la Paz Church, Bridging the World Animal Sanctuary, Mission Viejo School and Church, Children's Garden Montessori School, New Mexico Boys and Girls Ranch and the Seventh Day Adventist Church.

Please support staff's request for authorization to publish title and general summary of this amendment. Public comments and concerns, if any, will be addressed via the ordinance amendment public hearing process prior to adoption. Thank you, and I'll stand for questions.

CHAIRMAN MONTOYA: Questions for staff?

COMMISSIONER STEFANICS: Mr. Chair.

CHAIRMAN MONTOYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: This question is really for Rachel since Steve's out of the room. We had discussed some other changes to our code and we had determined that we should not make any changes until we did the whole package, and that anything that was in process really could not be affected by a new change. So why are we considering this?

RACHEL BROWN (Deputy County Attorney): Chair Montoya and Commissioners, this is not a change to the ordinance; this is a clarification of how the ordinance is being utilized at this time. So it doesn't change the process that has been in place since the ordinance was adopted and it would continue to be utilized in that way. It is simply a clarification.

COMMISSIONER STEFANICS: Well, Mr. Chair, I have a conundrum here. I think it's the same kind of issue that we dealt with earlier but I'll listen to my other colleagues here.

CHAIRMAN MONTOYA: Okay. Other questions? Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. Would this affect the Boys and Girls Ranch application in any way?

MS. COBAU: Mr. Chair, Commissioner Holian, the Boys and Girls Ranch has been taken forward through the process using the articles that are suggested in this amendment, Article III, Subsection 4.4 and Article V, Section 5.2. In other words, the Boys and Girls Ranch has been required to submit a master plan for approval by the consideration and recommendation by the CDRC and subsequent approval by the BCC prior to moving forward with a development plan. So it's been – it's really unclear in the code. Unfortunately,

DRAFT

the code references this old ordinance, which looks like it was done on a ditto machine using a typewriter, and the section of the code that the compiler's note references doesn't even mention community service facilities; it mentions various other commercial operations, but the compiler's note says for community service facilities, use this ordinance. Community service facilities aren't recognized in here. So because we're bringing something forward we want to make it crystal clear that we're not following a policy but we're really following a code that's in the book. So we feel it's really important to get this clarified now because of the contentious nature of submittals like the Boys and Girls Ranch. We want to make sure that we're not referring them back to something that was superceded in 1996 and was drafted in 1988.

COMMISSIONER HOLIAN: So, Shelley, even though the submittal for the Boys and Girls Ranch will be prior to whenever this ordinance passes, this is really just a clarification.

MS. COBAU: Yes. The Building and Development Services staff, when somebody comes in with a community services facility application utilizes a form. This form is what they use to go through and ascertain what people are required to submit. And that form doesn't consider that compiler's note. The compiler's note is written in like six point font and I think staff for the last 20 years has kind of just breezed over it. So I think it's really important. It refers you to a subsection, 4.5, which doesn't exist in the Land Development Code. It ends at 4.4. There's a 4.5 in this 1988 code but community service facilities are not mentioned in this subsection 4.5 of this 1988 code. So it is somewhat of a glitch in the code, and it's an easy fix, and it's a practice we've been following anyway. All along staff has been utilizing the articles of the code that are mentioned in the proposed clarification.

COMMISSIONER HOLIAN: Thank you, Shelley. Well, it seems to me that it's obvious to clarify it.

COMMISSIONER VIGIL: Move to approve.

COMMISSIONER HOLIAN: Second.

CHAIRMAN MONTROYA: Motion by Commissioner Vigil, second by Commissioner Holian. Did you want to say something, Chris?

CHRIS GRAESER: Just briefly, Mr. Chair. Christopher Graeser, 3600 Cerrillos. I'm an attorney under oath. I represent the União do Vegetal that has had an application for a community service facility pending for over a year now, and we would just like the Commission and staff to consider two aspects as this goes through the process. The first is that we'd request that any amendments that occur now not affect pending cases that have already had an application filed, so that we're comfortable we can just go forward with the review we've been given. The second is at the time the current ordinance was drafted, the Federal Religious Land Use and Institutionalized Persons Act had not been passed. The County is now revising this language; we would like to ask the County to take into account RLUIPA and the fact that several aspects of this regarding compatibility can be seen to conflict with RLUIPA, which is superceding federal law.

So we do feel there are actually substantive components to this amendment and we

would like those taken into account as it moves through the process. Thank you.

COMMISSIONER VIGIL: So, Chris, are you opposed to us passing this or not?

MR. GRAESER: Mr. Chair, Commissioner Vigil, we're not opposed to any code cleanup. We have made the point repeatedly to staff throughout the last year that current code does not require a master plan and development plan process for our application. We have gone ahead and given staff everything they've asked for under objection and we maintain that objection. We don't think that under current code we would legally be required to do what we've done. That's said, we've done it because we prefer just to get approval. But to the extent that this is an attempt to change the rules in mid-game or in response to our application we would be oppose to it. We're not generally opposed to code improvement amendments though.

COMMISSIONER VIGIL: Okay. So you're not opposed to what we're going to take action on.

MR. GRAESER: Mr. Chair, Commissioner Vigil, so long as it addresses the two items I requested. One, an exemption for current applications, and two, taking RLUIPA into account we would not be opposed to it, no.

COMMISSIONER VIGIL: Shelley, do you want to respond to that?

MS. COBAU: Mr. Chair and thank you, Commissioner Vigil. The current applications are being processed, including the União do Vegetal application are being processed using the code amendments that are proposed in front of you. The sections of the code that we would be forced to utilize if this were not amended and haven't been used for the last 20 years include a site preparation of a preliminary site plan and a final site plan that are administratively approved. I think historically staff has not felt comfortable with the administrative approval of such large sites such as the Mission Viejo Church and School on Richards Avenue, the Children's Garden Montessori, and it would be if not amended and if the applicants were not in agreement, facilities such as the Boys and Girls Ranch would be reviewed and approved administratively, and wouldn't be brought forward through the public hearing process.

So historically, as I said, right or wrong, staff has required these applicants to follow the master plan development process for other commercial facilities throughout the county because we look at them much the same as a commercial facility. So we do feel it's very important to go through this ordinance amendment process. Certainly we're looking at the RLUIPA as part of the UDV review. We're not ignoring federal law at all.

COMMISSIONER VIGIL: Thank you. Thank you, Mr. Chair. I stand by my motion.

COMMISSIONER HOLIAN: I stand by my second.

CHAIRMAN MONTOYA: Okay. Any further discussion?

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN MONTOYA: Commissioner Anaya.

COMMISSIONER ANAYA: So Shelley, the Boys and Girls Ranch have

already put their application in. Is this going to pertain to them?

MS. COBAU: This won't affect them at all because they're already following the process that this ordinance suggests.

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

CHAIRMAN MONTOYA: Okay. Any other discussion?

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

XII. B. 2. Affordable Housing Update; Discussion of a Potential Home Improvement Program and Discussion of the 30 Percent Affordable Housing Requirement

DARLENE VIGIL (Affordable Housing Administrator): Mr. Chair, Commissioners, I'm here to discuss Santa Fe County pursuing additional ways to make home ownership more affordable and also promoting sustainable green techniques.

COMMISSIONER STEFANICS: Excuse me one second, Mr. Chair. I would like to just comment because Darlene wasn't there and Steve wasn't there, but at the last Housing Authority Board meeting I asked that in the next month, that we could take that hour, spend one half on the Housing Authority Board and one half on affordable housing, so that we could continue to have discussions about affordable housing projects. So I just wanted to put that out. Thank you very much.

MS. VIGIL: Yes, Mr. Chair, Commissioners, we are addressing that request. In continuation of this home improvement program, again, there are a multitude of rehabilitation upgrades for existing homes that can reduce the overall cost of homeownership. If electrical and water bills are reduced, more monthly income can go directly to the homeowner's pocket and we can impact the environment directly.

The home improvement program would address roof repair, roof replacement, new stucco, windows, doors and more efficient heating and cooling systems, electrical and plumbing repairs, water saving appliances and fixtures, and handicap modifications. The goal of the program would be to support and preserve the supply of affordable housing for low to moderate income residents in Santa Fe County's unincorporated areas. These funds may only be used for owner-occupied homes. The program would also be intended to further the partnerships and encourage innovations in affordable housing projects and support overall Santa Fe County's workforce.

I propose that the funding from Santa Fe County be awarded through an RFP process to leverage as much funding as possible. Funding may be approved as grants or low interest loans, depending on the financial capacity of the project. Loans from the fund may be charged an interest rate of at least three percent interest. Repayment terms are flexible and intended to support the affordability of the proposed projects. The applicants would be asked to propose repayment terms and rationale for proposed terms, or to make a case for using

THE BOARD OF COUNTY COMMISSIONERS OF
SANTA FE COUNTY

ORDINANCE NO. 2010-___

AN ORDINANCE AMENDING ARTICLE III, SECTION 7, COMMUNITY
SERVICE FACILITIES OF THE SANTA FE COUNTY LAND DEVELOPMENT
CODE, ORDINANCE 1996-10 FOR THE PURPOSE OF CLARIFYING
STANDARDS AND SUBMITTAL REQUIREMENTS

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
SANTA FE COUNTY THAT ARTICLE III, SECTION 7 OF THE SANTA FE
COUNTY LAND DEVELOPMENT CODE, ORDINANCE 1996-10, IS AMENDED
BY REPLACING THE EXISTING PROVISION WITH THE FOLLOWING:

SECTION 7 – COMMUNITY SERVICE FACILITIES

Community service facilities are facilities which provide service to a local community organization. These may include governmental services such as police and fire stations, elementary and secondary day care centers, schools and community centers, and churches.

7.1 Standards

Community service facilities are allowed anywhere in the County, provided all requirements of the Code are met, if it is determined that:

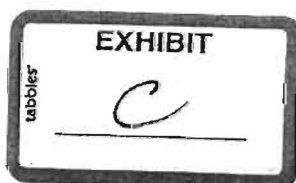
7.1.1 The proposed facilities are necessary in order that community services may be provided for in the County;

7.1.2 The use is compatible with existing development in the area and is compatible with development permitted under the Code; and

7.1.3 A master plan and preliminary and final development plan for the proposed development are approved.

7.2 Submittals and Review

The submittals and reviews for community service facilities shall be those provided for in Article III, Section 4.4 and Article V, Section 5.2 (Master Plan Procedure) and Section 7 (Development Plan Requirements).



SFC CLERK RECORDED 11/12/2010
SFC CLERK RECORDED 11/13/2011

PASSED, APPROVED, and ADOPTED this ___ day of September, 2010, by the Board of County Commissioners of Santa Fe County.

**THE BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY**

By: _____
Harry B. Montoya, Chair

ATTEST:

Valerie Espinoza, Santa Fe County Clerk

Approved As To Form:

Stephen C. Ross, County Attorney

SFC CLERK RECORDED 11/12/2010

SFC CLERK RECORDED 11/13/2011

Shelly Cobau

From: lboppen2@aol.com
Sent: Thursday, October 07, 2010 11:15 AM
To: Harry B. Montoya; kkholian@co.santa-fe.nm.us; Liz Stefanics; Mike Anaya; Virginia Vigil; Jack Kolkmeyer; Shelly Cobau
Subject: Re: Ordinance No. 2010-

RE: Ordinance No. 2010- , An Ordinance Amending Article III, Section 7, Community Service Facilities of the Santa Fe County Land Development Code, Ordinance 1996 - 10 for the Purpose of Clarifying Standards and Submittal Requirements

TO: Board of County Commissioners and County Staff:

Please note that we strongly SUPPORT the changes that the County is recommending in their current form and we adamantly oppose the suggestion to drop the compatibility requirement with neighboring uses.

We want the Code upheld!

Sincerely,

Lisa and Eric Oppenheimer
7 Millers End Road
Santa Fe, NM 87508

SFC CLERK RECORDED 11/12/2010

SFC CLERK RECORDED 11/13/2010

Shelly Cobau

From: Todd Kurth [Tkurth@sfprep.org]
Sent: Thursday, October 07, 2010 9:29 AM
To: Harry B. Montoya; Jack Kolkmeier; Kathy S. Holian; Liz Stefanics; Mike Anaya; Rachel A. Brown; Shelly Cobau; Stephen C. Ross; Virginia Vigil
Subject: SUPPORT Ordinance Amending Article III, Section 7, Community Service Facilities

Dear Board of County Commissioners and County Staff:

RE: Ordinance No. 2010 - ____, An Ordinance Amending Article III, Section 7, Community Service Facilities of the Santa Fe County Land Development Code, Ordinance 1996-10 for the Purpose of Clarifying Standards And Submittal Requirements

I completely SUPPORT the changes that the County is recommending in their current form; and I adamantly oppose the suggestion to drop the compatibility requirement with neighboring uses. We want, and need, the Code upheld!

The request for a non-residential/commercial rezoning in Arroyo Hondo is **not** about how people choose to worship. It is about land use and whether or not the newly proposed activity is compatible with existing land use. Santa Fe County's existing Code is neutral in its construction and application.

I do not believe it is proper for one group to abuse the existing Land Use Code for selfish reasons in order to make their project happen without considering what impact it has on the majority. Further, as a matter of policy, as Mr. VanAmberg wrote to the County Commissioners, "exempting religious groups from complying with the compatibility standards applicable to all others opens a huge loop hole. A group or activity need only dress in the cloak of a church and move in, thus gutting the whole purpose behind the ordinance. Your constituents deserve better. While churches should not be subjected to discrimination, they should enjoy no greater rights than the rest of us and the organizations we might support."

Local zoning is crucial to the socioeconomic stability of communities, crucial to protect public health, safety and welfare, crucial to ensure that there are no public nuisances, amongst other very compelling governmental reasons.

Thank you for your attention to this matter.

Sincerely,

Todd Kurth
106 Arroyo Hondo Trail
Santa Fe, NM 87508

SFC CLERK RECORDED 11/12/2010

SFC CLERK RECORDED 11/13/2011

Shelly Cobau

From: ROGER PATRICK [rogerpatrick@msn.com]
Sent: Thursday, October 07, 2010 9:15 AM
To: Harry B. Montoya; Kathy S. Holian; Liz Stefanics; Mike Anaya; Virginia Vigil
Cc: Jack Kolkmeier; Shelly Cobau; Stephen C. Ross; Rachel A. Brown
Subject: RE: Ordinance No. 2010 - ____, An Ordinance Amending Article III, Section 7, Community Service Facilities of the Santa Fe County Land Development Code, Ordinance 1996-10 for the Purpose of Clarifying Standards And Submittal Requirements

Dear Commissioners,

I am a Santa Fe County resident and am concerned about proposed changes to zoning practices apparently sponsored by a religious group, the UDV. I understand that this group is attempting to exempt churches from the community service facility (CSF) ordinance as well as get the compatibility requirement waived, in order to facilitate their proposed development in Arroyo Hondo.

The UDV's proposed development is totally incompatible with the neighborhood. This group proposes to overbuild on a sub-standard (2.5 acre) lot in Arroyo Hondo, a quiet rural residential area. There are a number of problems with this concept, including public safety. According to the UDV they use an hallucinogenic substance known as hoasca in their activities. This substance contains an uncontrolled amount of DMT, a drug banned under international law. It seems that the UDV has obtained an exemption from the Drug Enforcement Agency for use of hoasca during their religious activities only. The need for the exemption is that in all other circumstances, use of this substance is banned.

The rules devised by the DEA controlling the use by the UDV are very loose. For example, the rules prohibit batch testing of hoasca for the amount of DMT it contains, and leave control of the supply and storage of hoasca totally in the UDV's control. Spot checks to see that no hoasca has been diverted to other uses are specifically banned. Storage security requirements are very basic, comprising a locked room and locked refrigerator. Convicted drug felons are specifically allowed to manage the stock of hoasca.

Obvious public safety issues arise from both the proposed location and lax control over the hoasca. These include:

- The area has narrow roads not built for significant traffic, and I understand from a presentation by the UDV that their intended use for the site involves up to 100 cars traveling to/from the site including in the small hours of the morning. UDV adherents leaving the site may be under the influence of DMT, since there is nothing to stop them from leaving when they like. We have enough of a problem with "driving while intoxicated" already in Santa Fe County without adding to it. This is not a religious freedom issue; the fact the hoasca is used as part of a religious ceremony has no bearing on whether users are fit to drive. The UDV claims that there is no such intoxicating effect from the hoasca, but the fact that they have had to go to great lengths to get an exemption says the opposite.
- The location is "out of sight" and would be a target for break-ins to get hold of the hoasca. I have read that there is an existing black market in the U.S. for it. The extremely loose requirements promulgated by the DEA make this issue a serious risk to the area by potentially attracting criminals to the proposed site.

Furthermore, the UDV uses a religious freedom argument to try to override the reasonable concerns of Arroyo Hondo residents, which concerns are based on site suitability only. Based on the UDV's historical use of the site (ignoring zoning regulations) and the general attitude that their religious rights trump every other law, we can be sure that any attempt by the County to control UDV activities after the proposed facility is built will be ignored, and fought off as "attempting to infringe on religious freedom". Site use could not effectively be conditioned on limits such as the number of participants, traffic limits or hours of use. Any challenge on such bases would be countered that the County is "restricting religious freedom".

A more suitable site should be found by the UDV, one that allows their free exercise of religion while not infringing on the rights of others. There would be many such suitable sites in the County. I understand that they are currently using another site, meaning that the subject site is not essential to their religion.

Finally, waiving the compatibility requirement would open the door to all sorts of other uses not consistent with the character of the area, which would be impossible to stop.

Therefore, I SUPPORT the changes that the County is recommending in their current form and adamantly oppose the suggestion to drop the compatibility requirement with neighboring uses.

Sincerely

Roger Patrick
23 Camino del Monte
Sante Fe

4
CRA

SFC CLERK RECORDED 11/12/2018

SFC CLERK RECORDED 13/2011

Shelly Cobau

From: sfsagebrush@aol.com
Sent: Thursday, October 07, 2010 8:42 AM
To: Harry B. Montoya; Kathy S. Holian; Liz Stefanics; Mike Anaya; Virginia Vigil
Cc: Jack Kolkmeier; Shelly Cobau; Stephen C. Ross; Rachel A. Brown
Subject: land use in Arroyo Hondo

RE: Ordinance No. 2010 -, An Ordinance Amending Article III, Section 7, Community Service Facilities of the Santa Fe County Land Development Code, Ordinance 1996-10 for the Purpose of Clarifying Standards And Submittal Requirements
We SUPPORT the changes that the County is recommending in their current form and we adamantly oppose the suggestion to drop the compatibility requirement with neighboring uses. We want the Code upheld!

It is about land use and whether or not the newly proposed activity is compatible with existing land use.

Karen and William Bohnhoff
98A Arroyo Hondo Rd
Santa Fe, NM 87508

SFC CLERK RECORDED 11/12/2010
SFC CLERK RECORDED 11/13/2011

Shelly Cobau

From: Arlyn Nathan [arlynnathan@hotmail.com]
Sent: Thursday, October 07, 2010 8:34 AM
To: Harry B. Montoya; Kathy S. Holian; Liz Stefanics; Mike Anaya; Virginia Vigil; Jack Kolkmeier; Shelly Cobau; Stephen C. Ross; Rachel A. Brown
Subject: Arroyo Hondo Land

RE: Ordinance No. 2010 - ____, An Ordinance Amending Article III, Section 7, Community Service Facilities of the Santa Fe County Land Development Code, Ordinance 1996-10 for the Purpose of Clarifying Standards And Submittal Requirements

Please let them know that: We SUPPORT the changes that the County is recommending in their current form and we adamantly oppose the suggestion to drop the compatibility requirement with neighboring uses. We want the Code upheld!

We live at 46 Laughing Horse Lane,
Santa Fe, New Mexcio 87508

SFC CLERK RECORDED 11/12/2010

SFC CLERK RECORDED 11/13/2011

Shelly Cobau

From: Karen Meredith [karenbmeredith@gmail.com]
Sent: Tuesday, October 05, 2010 9:03 PM
To: Kathy S. Holian
Cc: Harry B. Montoya; Virginia Vigil; Mike Anaya; Liz Stefanics; Shelly Cobau; Jack Kolkmeier; Stephen C. Ross; Rachel A. Brown
Subject: RE: Ordinance No. 2010 - ____, An Ordinance Amending Article III, Section 7, Community Service Facilities of the Santa Fe County Land Development Code, Ordinance 1996-10 for the Purpose of Clarifying Standards And Submittal Requirements
Attachments: Letter to Ms. Holian.pdf; Exhibit C_Ordinance Amending Article III Section 7 Community Service Facilities Code.pdf; BCC Draft Minutes 9 14 10.pdf; ARROYO HONDO LTR SF BD OF COUNTY COMMISSIONERS.pdf; EXHIBIT A_BCC_Aug102010.pdf

Dear Ms. Holian:

We are writing to you as concerned residents of Arroyo Hondo regarding the above reference proposed Ordinance. Please take a few minutes to read our letter which explains our position on the proposed Ordinance.

Best regards,

Karen and Robin Meredith
40B Likely Road
Santa Fe, NM 87508

SFC CLERK RECORDED 11/12/2010
SFC CLERK RECORDED 01/13/2011

October 5, 2010

Ms. Kathy Holian
Commissioner District 4
kholian@co.santa-fe.nm.us
P.O. Box 276
Santa Fe, New Mexico 87504-0276

Re: Ordinance No. 2010 - ____, An Ordinance Amending Article III, Section 7,
Community Service Facilities of the Santa Fe County Land Development Code,
Ordinance 1996-10 for the Purpose of Clarifying Standards And Submittal Requirements

Dear Commissioner Holian:

We are writing to express our support of the above referenced Ordinance (Exhibit C attached) in its current form, which was submitted by Shelley Cobau, Building and Development Services Manager, at the Board of County Commissioners' (BCC) public hearing held on September 14, 2010. (September 14, 2010 draft minutes attached)

We are adamantly opposed to any changes to the Land Development Code (Code) that would exempt any community service facility from the requirements contained in Article III, Section 7.1. In addition, we believe that any community service facility must be necessary and its use compatible with existing development in the area as required by Article III, Section 7.1.

We have attached a letter from Ronald J. VanAmberg, Esq. that analyzes the Code, the Religious Land Use and Institutionalized Persons Act of 2000 and the controlling case in this jurisdiction, *Grace United Methodist Church v. City of Cheyenne, et al.*, 451 F.3d 643 (10th Cir. 2006), which makes it clear that the Code, as written and as it exists, is already a neutral law in its construction and application, and that it does not discriminate against any religion or entity. Our Code regarding churches is already constitutional.

We also oppose the suggestion to go forward with administrative approvals for community service facilities.

As you are aware, the Ordinance proposed by Ms. Cobau at the September 14, 2010 public hearing is merely a technical amendment. Currently, Section 7.2 states; "The submittals and reviews for community service facilities shall be those provided for in Article III, Section 4.5". As Ms. Cobau pointed out at the BCC's August 10, 2010 public hearing there is no Section 4.5 in the current Code. She stated "[The code] ends at 4.4. There's a 4.5 in th[e] 1988 code but community service facilities are not mentioned in this subsection 4.5 of this 1988 code. ...All along staff has been utilizing the articles of the code that are mentioned in the proposed clarification." (Exhibit A attached)

Letter to Commisisoner Holian re Ordinance Amending Article III, Section 7,
Community Service Facilities of the Santa Fe County Land Development Code,
Ordinance 1996-10 for the Purpose of Clarifying Standards and Submittal Requirements
October 5, 2010
Page 1

SFC CLERK RECORDED 11/12/2010
SFC CLERK RECORDED 11/13/2011

Ms. Cobau also stated that a compiler's note at the end of Section 7.2 references this superseded Section 4.5 and that the staff proposes removing this compiler's note for the purposes of clarification.

Finally, Ms. Cobau stated at the August 10, 2010 public hearing that the Ordinance will clarify the requirements community service facilities need for zoning in the form of a master plan application heard by the County Development Review Commission and the BCC. She stated that the Ordinance will also require the subsequent submittal of a preliminary and final development plan consistent with current practice.

In the August 10, 2010 minutes, Ms. Cobau states: "It is important to note that submittal requirements are not changing from current and historic practices... Recent applications that have been processed using the master plan/development plan processes include the Santa Maria de le Paz Church, Bridging the World Animal Sanctuary, Mission Viejo School and Church, Children's Garden Montessori School, New Mexico Boys and Girls Ranch and the Seventh Day Adventist Church."

In response to Commissioners' questions, the August 10, 2010 minutes also show that Rachael Brown, Deputy County Attorney, stated: "Chair Montoya and Commissioners, this is not a change to the ordinance; this is a clarification of how the ordinance is being utilized at this time. So it doesn't change the process that has been in place since the ordinance was adopted and it would continue to be utilized in that way. It is simply a clarification."

We urge you and the County to SUPPORT the amendments contained in the above referenced Ordinance that Ms. Cobau and County staff are recommending in their current form. We urge you to OPPOSE the suggestion to drop the necessity and compatibility with neighboring uses requirements in the Code. We also urge you to OPPOSE allowing community service facilities to be approved administratively.

Sincerely,

Karen and Robin Meredith

Karen and Robin Meredith
40B Likely Road
Santa Fe, NM 87508

cc:

Mr. Henry Montoya
County Commissioner Chair
Commissioner, District 1

Letter to Commisisoner Holian re Ordinance Amending Article III, Section 7,
Community Service Facilities of the Santa Fe County Land Development Code,
Ordinance 1996-10 for the Purpose of Clarifying Standards and Submittal Requirements
October 5, 2010
Page 2

SFC CLERK RECORDED 11/12/2010
SFC CLERK RECORDED 11/13/2010

hmontoya@co.santa-fe.nm.us
Santa Fe County Commission
102 Grant Ave.
Santa Fe, New Mexico 87501

Ms. Virginia Vigil
Commissioner District 2
vvigil@co.santa-fe.nm.us
102 Grant Avenue
Santa Fe, New Mexico 87501

Mr. Mike D. Anaya
Commissioner District 3
manaya@co.santa-fe.nm.us
715 C B-Anaya Road
Stanley, New Mexico 87056

Ms. Liz Stefanics
Commissioner District 5
lstefanics@co.santa-fe.nm.us
P.O. Box 720
Cerrillos, New Mexico 87010

Shelley Cobau
scobau@co.santa-fe.nm.us

Jack Kolkmeier
jkolkmey@co.santa-fe.nm.us

A



THE BOARD OF COUNTY COMMISSIONERS OF
SANTA FE COUNTY

ORDINANCE NO. 2010-___

AN ORDINANCE AMENDING ARTICLE III, SECTION 7, COMMUNITY
SERVICE FACILITIES OF THE SANTA FE COUNTY LAND DEVELOPMENT
CODE, ORDINANCE 1996-10 FOR THE PURPOSE OF CLARIFYING
STANDARDS AND SUBMITTAL REQUIREMENTS AND CONFORMING TO
STATE AND FEDERAL LAW

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
SANTA FE COUNTY THAT ARTICLE III, SECTION 7 OF THE SANTA FE
COUNTY LAND DEVELOPMENT CODE, ORDINANCE 1996-10, IS AMENDED
BY REPLACING THE EXISTING PROVISION WITH THE FOLLOWING:

SECTION 7 – COMMUNITY SERVICE FACILITIES

Community service facilities are facilities which provide service to a local community organization. These may include governmental services such as police and fire stations, elementary and secondary day care centers, schools and community centers, and ~~churches~~ religious facilities.

7.1 Standards

Community service facilities are allowed anywhere in the County, provided all requirements of the Code are met, if it is determined that:

7.1.1 The proposed facilities are necessary in order that community services may be provided for in the County;

7.1.2 The use is compatible with existing development in the area and is compatible with development permitted under the Code; and

7.1.3 A master plan and preliminary and final development plan for the proposed development are approved.

7.2 Submittals and Review

The submittals and reviews for community service facilities shall be those provided for in Article III, Section 4.4 and Article V, Section 5.2 (Master Plan Procedure) and Section 7 (Development Plan Requirements).

SFC CLERK RECORDED 11/12/2010
SFC CLERK RECORDED 1/13/2011

7.3 Protection of Religious Uses

7.3.1 No provision of this section shall be applied to the extent that it would place a substantial burden on one or more religious practices engaged in by a religious assembly or institution. The foregoing sentence shall not apply if the following findings are made:

7.3.1.1 There is a compelling government interest in applying this section to the religious assembly or institution in question;

7.3.1.2 All of the different means available of furthering the compelling governmental interest have been considered; and

7.3.1.3 The means used are the least restrictive of the religious practices sought to be engaged in.

7.3.2 No provision of this section shall be applied to the extent that it would result in a religious assembly or institution being treated on terms unequal to the terms applied to (a) a non-religious assembly or institution within the County; or (b) another religious assembly or institution within the County.

7.3.3 No provision of this section shall be applied to totally exclude a religious assembly or institution from the County.

7.3.4 No provision of this section shall be applied to unreasonably limit a religious assembly or institution from using land within the County.

7.3.5 Notwithstanding any other provision of this Ordinance, no provision of this section shall be applied in any way that violates federal or state civil rights laws.

PASSED, APPROVED, and ADOPTED this ___ day of September, 2010, by the Board of County Commissioners of Santa Fe County.

**THE BOARD OF COUNTY COMMISSIONERS OF
SANTA FE COUNTY**

By: _____

Harry B. Montoya, Chair

ATTEST:

Valerie Espinoza, Santa Fe County Clerk

Approved As To Form:

Stephen C. Ross, County Attorney

SFC CLERK RECORDED 11/12/2010

SFC CLERK RECORDED 01/13/2011

B



THE BOARD OF COUNTY COMMISSIONERS OF
SANTA FE COUNTY

ORDINANCE NO. 2010-__

AN ORDINANCE AMENDING ARTICLE III, SECTION 7, COMMUNITY
SERVICE FACILITIES OF THE SANTA FE COUNTY LAND DEVELOPMENT
CODE, ORDINANCE 1996-10 FOR THE PURPOSE OF CLARIFYING
STANDARDS AND SUBMITTAL REQUIREMENTS

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
SANTA FE COUNTY THAT ARTICLE III, SECTION 7 OF THE SANTA FE
COUNTY LAND DEVELOPMENT CODE, ORDINANCE 1996-10, IS AMENDED
BY REPLACING THE EXISTING PROVISION WITH THE FOLLOWING:

SECTION 7 – COMMUNITY SERVICE FACILITIES

Community service facilities are facilities which provide service to a local community organization. These may include governmental services such as police and fire stations, elementary and secondary day care centers, schools and community centers, and churches.

7.1 Standards

Community service facilities are allowed anywhere in the County, provided all requirements of the Code are met, if it is determined that:

7.1.1 The proposed facilities are necessary in order that community services may be provided for in the County;

7.1.2 The use is compatible with existing development in the area and is compatible with development permitted under the Code; and

7.1.3 A master plan and preliminary and final development plan for the proposed development are approved.

7.2 Submittals and Review

The submittals and reviews for community service facilities shall be those provided for in Article III, Section 4.4 and Article V, Section 5.2 (Master Plan Procedure) and Section 7 (Development Plan Requirements).

7.3 Religious Uses

SFC CLERK RECORDED 11/12/2010

SFC CLERK RECORDED 11/13/2010

7.3.1 Sections 7.1 and 7.2 shall not be applied to the extent that such application is contrary to the Religious Land Use and Institutionalized Persons Act (RLUIPA), 42 U.S.C. Sec. 2000cc, unless that statute is found to be unconstitutional as applied to local government land use regulation.

7.3.2 In particular, pursuant to RLUIPA, this section shall not be applied to impose or implement the Land Development Code in a manner that imposes a substantial burden on the religious exercise of a person, including a religious assembly or institution, unless it is demonstrated that imposition of the burden on that person, assembly or institution is in furtherance of a compelling governmental interest and is the least restrictive means of furthering that interest. A "substantial burden" is one that is imposed in the implementation of a land use regulation or system of land use regulations under which the County makes, or has in place formal or informal procedures or practices that permit the government to make individualized assessments of the proposed uses for the property involved.

PASSED, APPROVED, and ADOPTED this 12th day of October, 2010, by the Board of County Commissioners of Santa Fe County.

**THE BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY**

By: _____
Harry B. Montoya, Chair

ATTEST:

Valerie Espinoza, Santa Fe County Clerk

Approved As To Form:

Stephen C. Ross, County Attorney