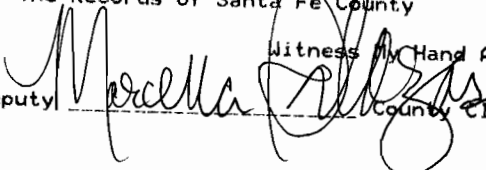


COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

BCC MINUTES
PAGES: 95

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SANTA FE COUNTY

BOARD OF COUNTY COMMISSIONERS

October 9, 2012

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

CLERK RECORDED 11/15/2012

SANTA FE COUNTY

REGULAR MEETING

BOARD OF COUNTY COMMISSIONERS

October 9, 2012

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

The Pledge of Allegiance was led by Justin Salazar and the State Pledge led by Gigi Gonzales, following roll call by County Clerk Valerie Espinoza which indicated the presence of a quorum as follows:

Members Present:

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

Members Excused:

[None]

V. Moment of Reflection

The moment of reflection was led by Margie Romero from the Human Resources Department.

VI. APPROVAL OF THE AGENDA

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- B. Tabled or Withdrawn Items**

KATHERINE MILLER (County Manager): Madam Chair, Commissioners, there is only one item being tabled. That's under public hearings, item XVII. A. 1.

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

COMMISSIONER MAYFIELD: Second.

CHAIR STEFANICS: Okay. Is there discussion?

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

VIII. APPROVAL OF MINUTES

A. Approval of August 14, 2012 BCC Minutes

COMMISSIONER ANAYA: Move for approval, Madam Chair.

COMMISSIONER MAYFIELD: Second, Madam Chair.

CHAIR STEFANICS: There's a motion and a second for approval of the August 14, 2012.

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

VII. B. Approval of August 28, 2012 BCC Minutes

COMMISSIONER ANAYA: Move for approval, Madam Chair.

COMMISSIONER MAYFIELD: Second, Madam Chair.

CHAIR STEFANICS: Thank you. We have a motion and a second.

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

VIII. PRESENTATIONS

A. Presentation on Region III Initiatives

[Audio difficulties were experienced during the first part of Sheriff Garcia's presentation.]

CHAIR STEFANICS: Backing up a little bit though, the Region III effort is drug related?

SHERIFF GARCIA: It is drug – it's our efforts in combating crime in the four counties. You also have regions throughout the state of New Mexico consisting of different counties that come together in our efforts to combat the war on drugs. Now, I prefer to call it and started looking at the war on addiction because if you can cure addiction you can deal with the issue of people having to depend on the drugs themselves to cure their addictions and it would reduce the property crime that you see in Santa Fe County and the City of Santa Fe that is so talked about.

So that's a brief. I'm open to any questions. I can't go into specifics, but we are recently – and I want to say that our agency takes more risks than usual. Of course we do take risks on a daily basis in the type of jobs that we do but the thing to do is go out there and deal with the front line efforts in combating this plague that we have in our county. And I'm open for any questions that you may have.

COMMISSIONER ANAYA: Madam Chair.

CHAIR STEFANICS: Thank you. Before we go to questions I'd just like to recognize City Councilor Chris Calvert who is with us today for a later agenda item. And I don't think I'm missing anybody else. Everybody in the audience is important but I just wanted to make sure that we recognize our elected officials. Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, Sheriff, I appreciate your coming to the Commission to provide us a brief overview. In the coordination efforts the Region works closely with the Federal Bureau of Investigation and other entities as well?

SHERIFF GARCIA: I should apologize. I should mention that the FBI, the DEA is also very involved with our operations in regard to Region III. In some cases some of the cases are turned over to the federal side because of the penalties that are place and if anything is seized and forfeited such as funding or property, in a lot of cases the monies can, or some percentage of the funding can come back to the Region in our continued efforts to combat the problem.

COMMISSIONER ANAYA: Madam Chair, Sheriff, I truly appreciate your efforts and the efforts of the Region and look forward to hearing more information about how we can work to support the effort and continue to support the effort. And do you have any ideas on what other tools we may need to work with in coordination with the effort or tools that you may need as the Sheriff's Department to combat the difficult issue associated with drugs.

SHERIFF GARCIA: Within the Sheriff's Department, Commissioner Anaya, I have other people assigned there but I have not been able to move other personnel into that area. My plan is to have at least an additional, at least one additional in that area. I'd be willing to work with any individual Commissioners as we move forward. I have one agent, I consider him the top-notch agent in this state. He was wanting to come before you today but was not aware that he'd be in a public meeting, but I'm sure that he would be willing to sit down with each and every one of you individually. I consider him the best agent in this state. He's been doing this – I've known him since 1980 and he continues to do this very risky work but as we move forward I would be willing to meet individually and see what needs – I know that they're trying to find funding, especially for security systems and again, finding a different location. At this point, but again as a board we're working and looking at that.

COMMISSIONER ANAYA: Madam Chair, Sheriff, I appreciate those efforts and understand the secrecy, if you will, of their work, to protect the interests of those agents but I just want to publicly state that it's a coordinated effort that you've been working on and with those various agencies and it's ongoing and so I applaud you and applaud the agents for their work across those jurisdictions.

SHERIFF GARCIA: Thank you.

CHAIR STEFANICS: Thank you. Commissioner Vigil.

COMMISSIONER VIGIL: Thank you for your presentation, Robert. Really appreciate the work and all your officers do out there. There's never a time that I can't share a story that someone in the Sheriff's Office has been incredibly helpful in some way or another. I appreciate that. I'm always of the philosophical belief that we really need to put a lot of emphasis in prevention, and our DWI Planning Council I believe you have representation there. How well does our Sheriff's Office work with them and what kind of coordination and programs do you foresee will be very helpful in the area of prevention?

SHERIFF GARCIA: Madam Chair, Commissioner Vigil, we do participate in the Council. We're very aggressive in working with other entities within our area here to combat DWI. We take it very seriously as you see. People just tend to not get it in their heads

that it has to stop. We'll continue that aggressive approach. Penalties are in place and sometimes penalties aren't imposed. I would like to see that the penalties on the books would be more aggressively imposed and maybe we would see a difference.

We do saturation patrols as required under the agreements that we have with whatever funding we do get from the state. We do roadblocks and we do just efforts not only individually as an agency but we do it with City Police, State Police, and sometimes we move up north to include the pueblos. So we continue to work together to try and combat this serious problem that we have on our highways.

COMMISSIONER VIGIL: Madam Chair, one follow-up question. We actually, on our Health Policy and Planning Commission I appointed the finder of the DARE Program and I do remember that law enforcement participated in that quite a bit. Are there any programs out there that law enforcement is engaged with in our public schools, classrooms, or anything of that nature? Was that from your experience something that created a benefit? And if so, is that something that we should start looking at? Because it is a model that had, from my understanding, success, and we also have the resource of Los Angeles Chief of Police who's retired here and who's been appointed to our Health Policy and Planning Commission. And he's willing to participate in any process that would promote prevention for students.

SHERIFF GARCIA: The efforts are in the schools. The only high school we deal with mostly is Pojoaque. I know that for a while there, and it's an issue that's being worked on as we speak is that Pojoaque Pueblo did have a resource officer that was committed to the Pojoaque High School and Middle School. Now those things make a positive effect on students. But that program, for whatever reason, and I don't have an answer, so you need – the communities down south in Las Cruces and out of Farmington are trying to revive the DARE program. I know the City Police Department is effective. Unless we're invited into a school to present our – especially elementary school children who are more than happy to go in and present to the dangers of alcohol, drugs, drinking and driving. So they are effective. I've worked with people for many years and part of my job at the time in public relations was to go out to the schools and I do honestly believe that that makes a very positive effect on our youth as they grow up and become adults.

COMMISSIONER VIGIL: Okay. I'm glad to hear that. Thank you, Madam Chair. Thank you very much, Robert.

CHAIR STEFANICS: Thank you. Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, thank you. Sheriff Garcia, thank you for coming and speaking to us about this. I want to just extend my appreciation to you and to all your law enforcement officers out there providing a much needed, valuable service to our community and just wish you all very much safety out there. Madam Chair, I guess this would be more for Manager Miller. Manager, is there a way, I guess, preserving our understanding the needs of the secrecy out there, that you can work with the agencies if they need an office location somewhere – if they need a property that we own or working a trade with say the City or another local government if they need that for some sort of coordination. If you could help with the Sheriff's Office in that endeavor, and maybe you're already doing that and if you are you don't have to tell me. But if you can work on that.

MS. MILLER: Commissioner, we can do that.

COMMISSIONER MAYFIELD: Thank you. And then, Madam Chair, Sheriff Garcia, and maybe I just don't know, but are you also receiving a funding component from this Commission for this or is it just strictly federal funding you're receiving for the Regional Task Force? Is there something else that this Commission can do to help you at least from Santa Fe County's initiative from funding efforts?

SHERIFF GARCIA: I don't believe, and Teresa should be able to answer this but I believe it's all federal funding that's handled through the state. I don't believe that other than providing the agent, gas, vehicles, I don't believe that we get anything from County budget into the Region. But Teresa, I stand corrected if –

TERESA MARTINEZ (Finance Director): [from the audience] You're right. You're good.

COMMISSIONER MAYFIELD: So Madam Chair, Ms. Miller, maybe we could also potentially look at that to see if we can scrub our books a little more for some funding opportunities for the Sheriff's Office. Thank you. And again, Sheriff Garcia, thank you so much.

CHAIR STEFANICS: Thank you. And we really appreciate the work of the team. Would you please let them know on behalf of the entire Board of County Commissioners?

SHERIFF GARCIA: I will, ma'am. Thank you.

CHAIR STEFANICS: Thank you.

VIII. B. Community Presentation By Agua Fria Village Residents on History and Concerns

COMMISSIONER VIGIL: Thank you very much, Madam Chair. I am very pleased to have the opportunity to have the opportunity to introduce William Mee, who is the president of the Agua Fria Village Association. William has been an active member in a lot of the issues that have been involved and brings a perspective. And I know there are other members that are here today that have an incredible historical perspective with this particular village. I'm going to turn it over to him because I believe they have a planned presentation. The intent of this presentation, Madam Chair, members of the Commission, are really to give you an overview of the needs in the community. I think they'll have a little bit of a history with regard to it, but this is the traditional historic village and the only village within the surrounding Santa Fe County area that will surround once annexation actually occurs, will be surrounded by the municipality. And so for it to maintain its own identity, its purpose, its mission, its traditional historic values is very important to this community and I think that's a lot of the presentation you will be hearing. Mr. Mee, thank you for being here.

WILLIAM MEE: Thank you, Commissioner Vigil, Madam Chair and Commissioners. William Mee, Agua Fria Village Association President. I had a series of meetings with Commissioner Vigil and talking about some of our needs and she suggested that this educational effort may be the first step and it follows something that La Cienega Valley Association actually did and so we thought what better way that to kind of visually

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show and bring some people with us. I'm going to introduce some of our people here in a little while but basically we'll start with the presentation.

Agua Fria Village – history, community and people, business issues and plans. So Agua Fria is many things to many people and in this little picture, the top left going clockwise on these pictures. This is the Acequia Madre at Henry Lynch Road, and top right is a series of four pictures of the Rooster Pole after the Día de San Juan mass on June 24 and we think it's circa about 1912. Bottom right, Sam Montoya laying adobes on a house in Puesta del Sol, and that's circa 1960s. And bottom left is San Ysidro Church in winter 2007.

And so we're really trying to welcome you to our Agua Fria Village. We actually have four welcome signs that were placed by Santa Fe County and they're on the different entrances into our village on Agua Fria Street. So I'll give you a little general information about Agua Fria. The first bullet is in 1970 the US Census had us 224 households with 652 people. In 1980, this one is a little messed up, the joint City-County Planning Commission report estimated the population at 650 people in 250 homes on roughly 1,000 acres. The 2000 US Census had 2,050 people on 540 acres, and the 2010 Census had 2,865, an increase of 15.6 percent for Census tract 1203. And the size of the THC is now 965 acres. And there are in 2010 there are 1,027 housing units with 966 occupied.

So the Agua Fria Traditional Historic Community or what we call the THC, the THC status was created by state statutes in 1995 and the Agua Fria delegation was led by Commissioner Chairperson Javier Gonzales. Agua Fria was named THC through Ordinance 1995-8, and the initial area comprised 4,640 acres. Developers threatened lawsuits and the TCH was reduced to 540 acres through Ordinance 1996-16, and now it's back to the 965. Our community plan was developed by County Commissioners' Resolution 2006-16 and we have with us today our co-chair and if I could recognize him. Henry Chavez is in the back there. He was one of our co-chairs and Gil Tercero is in the second row here. They led us in a very successful process over three years, 36 meetings. I only attended 33, but it's a really good plan that we developed in our area.

We were the first community in the state to apply for the THC status and since then THC status has actually been expanded to Taos County. The historical boundaries of Agua Fria Village are based on the land grant boundaries and are considered to be roughly from Arroyo de los Chamisos on the south side, and that's by the Santa Fe Place Mall, and Arroyo de los Frijoles on the north side or just shy of the La Tierra Buckman Road. That's a distance of some five miles from south to north. Then on the east side it was Puente Blanca, or the white bridge over the acequia at Frenchie's Field and this could roughly translate as present day Camino Carlos Rael. On the west side, San Felipe Road was the traditional boundary and it's usually what's referred to by title abstracters as the rejected Cieneguilla boundary.

So the previous history of the village, the pre-Columbian history is that Native Americans inhabited Pindi Pueblo and that was abandoned circa 1250. And that's in line with Mesa Verde, Chaco Canyon, Bandelier, all of those were also abandoned because of the regional drought. We had another pueblo called Pueblo Quemado in the Agua Fria area also. So underneath Pindi Pueblo in the 2008 archeological dig that was precipitated by sewer and water construction on Agua Fria Street, so that was paid for by Santa Fe County – thank you. There were two earlier civilizations than those two pueblos, and early reports stated that the oldest civilization there dated back 3,000 BCE or before the common era. It may be the

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oldest, largest settlement in North America, that was the initial claim. The documentation of that hasn't really been completed by the archeological team.

But you can see that Native Americans chose this place because of the abundant water and the alluvial plains that were dug out over time by the Santa Fe River and the plains actually made irrigation kind of easy. The next slide just shows a quick think of El Pindi Pueblo. This is a 1920s archeological survey by Stubbs and Stallings. So the history, continuing through the Spanish Colonial Era. This era is from 1540 to 1821. The first thing is Captain Roque Madrid, the Maestro of the Campo of Don Diego de Vargas, he was given a land grant in 1693 for the Agua Fria area, and this was known as Pueblo Quemado. He was given this grant based on his service in the 1692 reconquest. Another thing came up. Once he made application for this grant he noted that his parents and his grandfather had farmed in the Agua Fria area before the revolt. So we're seeing that Agua Fria became a place of settlement circa 1640, or roughly two generations before the 1680 Pueblo Revolt.

The history continued. We have the El Camino Real de Tierra Adentro, and you learned about the Camino Real last Commission meeting when you passed the Resolution 2012-133. So the name Agua Fria really has no known origin. It's just always been Cold Water. The Tesuque Pueblo tribe says that the Agua Fria area was just always known as Cold Water. So then in the year 1776, Fray Francisco Atanasio Dominguez gave a census count to his superiors listing Agua Fria with 57 families and 297 persons. This is one of the first references to Agua Fria as a census type area.

The next slide, this is the actual English translation of Archive 476 of the land grant to Captain Roque Madrid, and that was on September 18, 1693. I'm going to have our official historian, Melinda Romero Pike, talk to you a little bit about the history of Agua Fria and she was named Historian of the Village by Resolution 2010-205. Melinda.

COMMISSIONER VIGIL: I will introduce Melinda as one of our living treasures also, Madam Chair.

MELINDA ROMERO PIKE: Madam Chair, Commissioner Vigil, the rest of the Commissioners, my name is Melinda Romero Pike and I've already been introduced enough. All right. When the census was taken by – well, it wasn't really a census. It was more or less a report by Fray Atanasio Dominguez, a Franciscan, to his superiors in Spain in 1776. He reported a count of the parishioners in the Parroquia, which is now known as the cathedral, and then of course there was the Cieneguitas, Agua Fria, Cieneguilla and La Cienega. And in those years those were missions of the cathedral and they were under the auspices of the diocese of Durango in Mexico. We still did not enjoy an actual diocese as we know it today.

So at that time, after the settlement of Santa Fe in 1609, little settlements started to develop. When they were in a smaller scale they were called Ranchitos. As they progressed they earned another title and the title was placitas. In Agua Fria we have two placitas, namely, the Placita de los Romeros and the Placita de los Lopezes. That's what happened then. And then later on, these placitas, you'll recall are located in the main artery which was then known as the Camino Real.

If you will permit me a little bit to touch on the Camino Real, when Juan Diego de Oñate traveled El Camino Real in 1598 it was a very treacherous journey and they had to fight the Native Americans, mainly Apaches as well as going through a very rough stretch of

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land which they called the Jornada del Muerto. Now, the Jornada del Muerto was stretch of land where there was no water, no pasture, no nothing. At one time there in the site near San Marcial – this is in Socorro County. San Marcial, you might recall in later years, or maybe you don't, I don't know – but anyway, in the late 30s or early 30s they had a humongous flood there caused by the Rio Grande which wiped the village away, and that's called San Marcial.

In the earlier days the Pueblo dwellers of the area called that place Kipana, that's in the area of the Jornada del Muerto. Many people perished there for lack of water and lack of – no resources at all. And finally one day when they were through that area, two little dogs appeared with wet paws. They had mud on their paws. So upon investigating they found out and found some puddles of water which they called Charcos de los Perros, which means Puddles of the Dogs. And because of that they found Socorro there by getting water, a little water. So that is the reason we know Socorro, the town, as Socorro, because that's – Socorro also means help. That's where they got help. I'll leave you with that until I come back to the podium in a little while. Thank you.

MR. MEE: Did you tell the San Ysidro Story?

MS. PIKE: Do I need to do it now? Okay. All right. The settlers were already established in Agua Fria and in all those communities that I mentioned, and of course when they arrived the only thing they had was the skill for farming, their little animals and the plentiful water in the Santa Fe River that was abandoned and it flowed from the manatial there at the top of the mountain to the Gulf of Mexico, [inaudible] joined the Rio Grande.

All right. So all this time the people here, the only thing they had was a lot of faith. So the people in Agua Fria were very devout, and like I say, the only armor they had was faith. So it was kind of a hardship for them to travel in their wagons and on their horses to the parroquia, which was – it wasn't the cathedral. You have to bear in mind that we didn't have – we just had the parroquia under the auspices of Durango, Mexico. So now the settlers in Agua Fria decided that they needed to have their own place of worship so they wanted to build a little church. And my great grandfather, Jose Jacinto Gallegos, owned the land where the present San Ysidro Church is now. So he decided with his comrades that he would donate the land if they would help him erect the church. And of course we know that they had to make the adobes, they had to bring the vigas from the mountains, they had to gather the rock from the river for the foundations and so on and so forth. So, okay. They were all in agreement and Jose Jacinto went to the land that he was going to donate. He took his hat off and he tossed his hat. Wherever the hat fell that was the site of the building. And that's what happened. So that was the beginning of San Ysidro Church which started in 1835. That was 13 years earlier than the arrival of Jean Baptiste Lamy, who started the first archdiocese by decree of the Pope 15 years later. So that's the history of San Ysidro. I can go on and on but I know that the time is limited, and thank you.

MR. MEE: Thank you, Melinda. If I could have the next slide. So this is the first map that really shows Agua Fria on it and it's from the map of the territory of New Mexico by order of Brigadier General Stephen Watts Kearny, and the map's done by Lts. J.W. Albert, and W.G. Peck. And between the years 1846 and 1847.

So this is the Augusta Probst Remount Station, and this is located by Lugar de Padilla on the east entry of the Agua Fria Village. And so the remount station was used for fresh

horses for stage coaches that were coming in, and additionally, the Cochiti and the Santo Domingo Pueblo Indians camped here in the big field that's in front of that house there. And I think it was around here by Mrs. Probst starting in about 1880 and you can kind of see the closer picture with the wagon wheel. This is a large, rambling house of 13 rooms covering 72 feet by 50 feet.

I apologize for this but this is a Xerox of a Xerox of a photo. But this is made of Agua Fria Village in the 1900s. The small boy on the lower right is Jermino Baca, who lived from 1911 to 2006, and he's next to his father, Jose Hilario Baca, who lived from 1879 to 1974, and I think he's the guy with the big mustache, but they're not even sure of that.

Next slide. I think that was kind of a gag photo too that they may have taken during a fiesta or something like this. What used to happen was the Museum of New Mexico people I guess since Agua Fria was so close they'd just run down and take photos of native life, is what they'd call it, and customs and so that's where we even get some of these photos from. So the values of the people, they were very modest and hard-working people, land rich and money poor. As Melinda said, very religious, very family oriented and close knit, and deals were made on a handshake and a promise. They were very trusting people. And they were Spanish speakers only, and so the outside world was able to come in and take advantage of this many times. And we'll come to see that in future parts of this presentation that these values actually resulted in a lot of the loss of lands to Agua Fria.

Next slide. Camino de los Carros. Camino de los Carros was a historic trail dating back to the 1700s. It dates back to at least 1742 when the Juan Jose Archuleta grant was disputed in a court case on August 17, 1742. The Highway Department proposed switching the right-of-way of Camino de los Carros with a new four-lane road, Cerrillos Road, and that sounded really good to people because they would get back their land that ran along this acequia so that there would be a nice highway off to the side. A lot of the lands south of Camino de los Carros never really got irrigated by the acequia because there just wasn't enough water anyway. So the idea that this road might go through, there might be some kind of commercial activity, people said, well, that's okay.

But then what happened is in perhaps a deliberate act a City Councilor purchased the entire parcel of switched land in a state tax sale after the taxes on the parcel went delinquent after ten years. So all the lands that everyone had were just put in one bundle and this guy came in and swept it up and bought the land so everyone lost their lands south of Camino de los Carros, so lost all access to basically Cerrillos Road. I think the loss of land affirmed to Agua Fria residents not to trust outsiders so much.

Next slide. So Agua Fria has a lot of self-sufficiency. Almost everyone in Agua Fria was a farmer or in a direct industry that supported farming like a blacksmith. They had a barter economy and a lot of farmers specialized in certain crops or livestock. For example, Antonio Montoya who lived from 1902 to 1999, he had pigs. People were jacks of all trades. Often they farmed in spring and summer and then they'd sell their wood in the fall. So they subsided off of dry crops in the winter. Everyone had a ristra hanging on their building and there on the north porch they might have had sliced apples, carne seca and squash drying that would carry them through the winter. So they were very modest and hardworking people.

Next slide. So businesses. There's many home-based businesses and that probably grows out of the agricultural tradition that Agua Fria had. People were summer farmers and

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winter tradesmen and craftsmen. And some of the craftsmen that might come to mind is santeros like Celso Gallegos, who is also a relative of Melinda's.

Next slide. So here we have a picture or a copy of the 1909 New Mexico business directory and for Agua Fria it lists Carlos Ortiz, general merchandise store, and Jose A Romero's store. Mr. Romero is also Melinda's uncle. But those were our two business establishments way back when. So we have a number of business and on the next few slides are pictures of the storefronts on Agua Fria Street. There are a lot of people that have a home office. Maybe they work on the computer at home or maybe they're an artist. We actually have ten artists on our list. In 1995 the gross receipts tax that was gathered was on a volume of \$850,000.

So the top left is Casa Builders of Howard Mier. And many people in the village are in the construction trades because of Mr. Fred Grill that hired hands in the village to work for him. And then later, after World War II there was a vocational training in carpentry and blacksmithing at the Agua Fria school site using the GI Bill. Top right picture is the Plants of the Southwest and the kitchen at the Plants of the Southwest. Bottom right, the Zafarano trailer operation. Bottom left is the Puertas de Santa Fe of Archie Gonzales and he's an Anderson Window dealer and he has a huge commercial building in our village. Here we have Ramon's Gas and Diesel, and actually Ramon is with us today. He's in the front row. And we have Cassidy's landscaping. The next picture, bottom right is the Cassidy's yard and equipment fleet. The bottom left is Monte Vista Fuel and Feed, and that's run by Herman Montoya's family. He just turned 102 in September, and he only retired from the store about five years ago. So quite a bit of longevity in our village.

Next slide. We have top left we have Del Rancho Produce of Antonio Garcia and he has his Dixon apples and chile. Top right is Gonzales Kingsbury Accounting, bottom right is Montano's Sand and Gravel and bottom left is Montano's former concrete plant and portable toilet business. Top left is Stone Forest, top right is Padilla's wrecker service, bottom right, the Santa Fe Tree Farm, and that's the site of a 2,000-bird chicken farm that was converted to a tree farm. Bottom left is Rodriguez Sand and Gravel operation. So we have a number of institutions in Agua Fria. Top left is our Agua Fria Elementary School, and it's been there since about 1935. Top right is our undisclosed women's shelter that's been there since the 1990s. Bottom right is the priest's old trailer and old rectory, and this was a former drill house. This served as our senior citizens center from the 1960s until about 1981. So we look forward to work that Commissioner Vigil has been doing in restoring a senior citizens service at the Casa Rufina Apartment senior housing development. Bottom left is the newly remodeled San Ysidro Church parish office and priest residence and we also have the church that we showed being built in 1835 and the new community center off of Rufina Street, built in 2000.

Missing from these pictures are things such as La Familia Medical and Dental Clinic. Our dental wing has moved to Santa Fe Community College in 2011 so that's kind of been a loss for us. We also have the United Way and Presbyterian Medical Service early childhood program here in the village and they are collaborating with the Agua Fria Elementary School. In our larger boundaries of the village that we explained before we had the youth shelter, juvenile detention center, numerous sobering centers, half-way houses, group homes, and

what we found in our development reviews that any objectionable uses, and we kind of put that in quotes that could not be put on the east side of the City of Santa Fe came down to us.

The next slide is just a picture of Agua Fria Elementary School in the 1940s. And the next one is – this is probably the best known symbol of the Agua Fria Community Water Association, and I'm going to just have Gil Tercero talk to you a little bit about their operations.

GIL TERCERO: Thank you, Willy. Madam Chair, Commissioners, thank you very much for your indulgence. I know that this is a long presentation. I won't take much of your time except to say that the Agua Fria Community Water Association back about ten years ago was a much different association than it is today, thanks to this Commission, the County, the previous Commission, Commissioner Vigil, Senator Rodriguez, we have been able to improve our system to where we are delivering water at a pressure that is capable of fighting the fire. Before this we weren't able to do that. We have been appropriated water through the San Juan/Chama diversion project and the Buckman diversion and we had a sustainable, long-term source of supply for our village, and I see Brian and the people from the Buckman Direct Diversion here and I would just like to thank you very much, the state, the County, the City, for the tremendous assistance that you've given our community, and I'll leave it at that. Thank you.

RAMON ROMERO: My name is Ramon Romero, Agua Fria Water Association President. Virginia, hi. Madam Chair, Commissioners, what I wanted to know also is we had \$400,000 give to us by the Commission for Phase 3. Phase 3 included a 12-inch water line that the County got for us from the City, thanks to the City, was a big instrument on that. So now Agua Fria Village from the ¾-inch line that existed back in the day, I would really like for us to [inaudible] for the people that worked hard in the past now have a 12-inch line, something that Agua Fria never had. Back in the day, the old-timers had to go and get their little dips of water out of the ojitos, the little springs and carry their wooden barrels to their residences. A quick note, as the 599 overpass is going on, the County Road 62, my brother was selected to be the artist to draw exactly that which is going to be an old-timer dipping into the springs with a covered wagon and the wooden barrels which you'll see when it's already said and done.

Also I want to thank the Commission for Phase 3 funding. We also have 8-inch stub-out lines. We have fire hydrants every 500 feet. The whole road has protection now, something that the village has never had. The sewer lines are all over the village now which is a direction that was taken by the Agua Fria Village Association and the water association because we didn't want to contaminate our water. A lot of those septic tanks are water and the water is very shallow around that tank area. So I have a lot of thanks to the state, to the County, Virginia, you've been very, very instrumental. I'm sorry to see you go. Thanks for everything. My appreciation for everything. All the association meetings that you've been to. Commission, thank you very much for the support of Agua Fria Village. I want to thank the City and thanks again to everybody in Agua Fria.

MR. MEE: Thank you, Ramon. Next slide, this is some pictures of the Agua Fria Community Water Association's projects that have been completed. This is for the cemeterio de Agua Fria and regionally I had a couple of people from the cemetery to come in and talk to you but we were thinking that the meeting might be at 5:00 and when it moved

back to 2:00 they were unable to join us. But basically, if we could do the next slide, these are just some grave sites that have been upgraded on some of our cleaning days. So the cemetery started in 1963 and they applied for the government land patent from the BLM. And we just had a new board of directors elected on August 10, 2011 and they're working on new procedures and bylaws and they have a development. They emailed a letter to the County Manager because they had a couple of issues because we felt that there was some road encroachment by the County of Santa Fe out at the cemetery and we requested that the County Surveyor come out. So we want to thank you for having surveyor Jeff Ludwig come out and help us on May 23, 2012. He found the points where they were encroaching a bit into the road. There was also some of the points that were removed by the grader so that it made it real hard but he was able just to find those.

We also asked that in that letter there's been over the years a couple of attempts in the seventies and then the eighties to ask that the County extend water to us, because the County park is right next to us. I even thought at one time that maybe there's a pipe under the road. We just didn't know just where like the children of the elders how founded the cemetery. So we're still working on that particular issue.

Next slide. In roads and transportation, it was hard to kind of crop this picture but basically you're looking at Agua Fria Street, actually kind of right by Melinda's house. This is a six-inch snowstorm that came in April of 1992. And it was one of those snowstorms that just comes on real suddenly and the sun comes out and it starts melting. So we had all this water just running across the street bringing dirt and that type of thing. And if you're unlikely and it gets really cold at night the street would freeze up and you'd just have a block of ice. But if you go to the next picture the County has actually put a crown in the road and they installed drainage and curbing so this makes for a much safer road. So thank you, Santa Fe County.

Thank you for better roads, sewer and water.

We have some future public works needs and those would like improvements to Lopez Lane and Rufina Street intersection, and Lopez Lane sewer and sidewalks. This particular project, one of the residents actually came in 1950 to the BCC meeting requesting this. So it is one of the oldest capital improvement things out there. Our association actually added that to our list the last couple of years, out of respect to the residents there. We'd like to improve West Alameda, Henry Lynch Road and County Road 62. There's some drainage issues there also. We'd like some lateral sewer connections, especially for the elderly, disabled and lower income, so we can maximize the use of our sewer line. Right now, no one can really afford to hook up along these lateral lines because it does require engineering studies and plans and this type of thing and that's like a \$100,000 expenditure when we look into it. But if we could do it as a community perhaps we can lower those costs.

Next. Our current traffic calming project on Agua Fria Street through Public Works and Adam Leigland, that's been going well and we thank you for allowing that to happen. We have a lot of private roads in the area and there's a lot of private road issues. Some of them are probably trespassing type of things. What we propose as maybe a solution is that a private family road sign could be bolted on to the street name signs, because we're having people that go up on the street and they when they stop they say, well, this is a public road; this has a

street sign on it. So maybe if we could have a warning and some residents have actually put some and these are like four samples of that.

Next slide. For patterns of land use, we have the long, thin strips of land that give equal access to the acequias and the three major river diversions that were in the area. So these kinds of lots make utility extensions a real problem and costly and long and that type of thing. Not many people have abstracts or title insurance. They just started getting that in the 1960s. So the heirs of property owners, they often did give deeds until the patriarch died, the elder man in the family. He would just kind of hold on to the land itself. Houses were built but subsequent warranty deeds didn't ever materialize. Then the last bullet is we have a lot of family transfer and owner-built homes happening in the village and we anticipate that will continue.

Next slide. This is our Santa Fe community farm, a few pictures of that. I was expecting Gale Hagar, who is the owner. Isaac Maxon is working on the community farm that belongs to John Stevenson and you may have read in the paper he's 98 this year.

The Santa Fe River celebration on the top left is an interview with Melinda Romero Pike for the November 2010 flash flood event. Top right is a Mariachi group that performed before 1,000 people lifted blue canvases in the river to actually be photographed from space. The bottom right is our May 15, 2010 Santa Fe River Blessing on el Día de San Ysidro and these are local musicians from Coro de Agua Fria, led by [inaudible] Gallegos. I was hoping maybe he could come but he teaches school so he couldn't be here. And bottom left is our processional to the river, to cast our flowers for the river blessing, and the blessing by Father Frank Preto and Deacon Michael Segal.

Next slide. So we love our river, and thank you to Santa Fe County for being good stewards of the river and that's through the Open Space and Trails program.

Next. So Santa Fe River erosion. Here you'll see some of the things going on in the Santa Fe River. Top left is the San Ysidro Crossing. We have the locking gates for when the river really floods, and then we also have in that area a no through trucks sign there. There's a San Ysidro mural on top left there by Agua Fria Leo Romero, who's Ramon's brother, and that brightens up that riprap that's in that area. Bottom right is a downstream view of the project by Santa Fe County that's worked well. It's brought up the sand level of the river by some four feet by putting in native vegetation and doing meandering. Bottom left, that's the north bank of the river and the other part of the mural. And you might notice some of the native willows that are taking hold and preventing erosion.

Next slide. So the top left is a storm event in 1979. Top right is annual runoff in 2010 which is a particularly wet year and it's going across the spillway. Bottom right is vehicles crossing the annual runoff. Bottom left is the river kind of raging, that's a medium storm event, and that's below the County Road 62 bridge.

Next slide. Top left is a bank failure on the Hackett property. Top right is Commissioner Virginia Vigil and vice president Ramon Romero doing a field inspection of the erosion damage in 2009. Bottom right is the City of Santa Fe basalt boulders that they brought in to cover exposed sewer line that was literally hanging in the air in 2006. Bottom left is the undercutting of County Road 62 bridge, and we saw that previous stormwater picture from the other angle there.

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Santa Fe River erosion continued. At the top left there's an orange marker here that marks a manhole cover of the City of Santa Fe. And if you line that up straight with the tree across the way there's a huge erosion event happening between them. And that shows how close that line is to falling in the river also. Top right is that erosion event that's showing between the manhole cover and the tree, and then bottom right is a view to the County Road 62 bridge and it's just showing massive erosion there. Bottom left on the right-hand side there's typical erosion and then on the left-hand side there's some stabilization of the native plantings by Agua Fria volunteers. And we work a lot of collaborative efforts with the Santa Fe Watershed Association and the Santa Fe County Open Space and Trails.

Next slide. A hundred years ago today, just a little thing about the mayordomos of the acequias petitioning the territorial assembly to release water from the City's dams, and that's February 3, 1895.

Next slide. So the 1895 damming of the acequias when we first started having problems with the water shortages there. The 1914 State Engineer survey that shows that about 244 acres were irrigated farmland in Agua Fria, but we calculated what was actually being irrigated and we found out it was about 3,300 acres that were actually being irrigated by Agua Fria residents. So in 1945 the water from the reservoirs were shut off to the acequias and the Agua Fria residents were able to use effluent water from the Siler Road treatment plant at that time. And so in 1971 the effluent water was shut off to the village and so the villagers got together and Henry G. Anaya who happens to be alphabetically the first one, they filed suit against the Public Service Company of New Mexico and the City of Santa Fe and it's still an active adjudication case.

Next slide. This is a petition that was mentioned earlier in the newspaper article and here's where it was signed by the Agua Fria residents. And there's a quick – there were 14 pages of text that accompanied the petition and here's a quick passage of the text translated from the Spanish. We ourselves are passing through the streets of Santa Fe in times of drought see the gardens of the rich flooded in water, but also magnificently constructed fountains, while our small plants are green from the ground by thirsting for water. When we left the house our unhappy children stayed staring at the coffee pot for a simple drink. So it was pretty desperate times back then.

Next slide. And this is an 1896 petition of 69 heads of households and irrigators and their 97 dependents to Governor William T. Fortin, and this was a translation courtesy of Dr. Steve Pike, who is Melinda's son.

Next slide. So our future needs are a possible Greenway project that we'd like to work with the community farm, Plants of the Southwest, the tree farm, using manure and that type of thing. We're also looking at a community garden on the Annon property, and that made it into the CIP of I think it was 2010 or 2011. And also in the relocation of the Agua Fria school, one of the proposals was to put it on the old dump side off of County Road 62 and they had done some studies and said, well, it's not really suitable to put that school there. So now that we've kind of done some of that looking at the assessment of the environmental impact there we'd kind of like towards remediation of that dump site.

We'd like to participate in the joint City-County planning on annexation. We've kind of felt that we were left out of the settlement annexation agreement. I think I outlined that in

my July 15th letter to you all and the City and County managers and so if we could kind of work on that that would be good.

Next. So this is the October 21, 2009 BCC meeting where Amarante Romero was honored for his service to the County and many of our same residents are here today are in the picture there. Santa Fe County has always worked well with us and we appreciate the many things you've done for us. So basically, thank you Santa Fe County for your support and collaboration, and I just want to thank our participants that are here today from Agua Fria.

CHAIR STEFANICS: Thank you. Before we go back to Commissioner Vigil, I want to thank everyone who came from Agua Fria and I hope that we can get a copy of the presentation because there's a lot of history there that I'm sure we'd like to have and keep on file. Commissioner Vigil.

COMMISSIONER VIGIL: Thank you, Madam Chair and thank you, William, thank you, Gil. Thank you, Melinda. Thank you, Ramon and Henry. The sun is shining on some of the people back there so I don't know who all is here. Lois, you're hiding. Anyway, it's been a pleasure working with you these past eight years. It's given me such an insight into the richness of our history and actually I'm always empathetic to that, because my family and my history goes so far back in Santa Fe. As a matter of fact, the connection through Agua Fria and La Cienega is very strong on my mother's side.

I have appreciated the community's willingness to work with local government. I must say, Mr. Tercero, that that has a lot to do with the fact that you have been a County Manager and I have appreciated, many a time, the countless meetings that we've been in and you being able to gain a perspective and articulate that perspective very well, inclusive of everyone else who has participated in that. It has been an incredible help to me throughout all of those processes, despite the fact I think that we've gained a lot of ground in helping you as a traditional historic village. The tension still exists between what is going to happen to the community and what the needs are and how we as a local government entity can provide an assistance to that.

I foresee a vibrant public park there at some point in time. I foresee that the traditional historic values continue to be supported and promoted. I foresee that the seniors will be taken care of. I foresee that a lot of the support that the community has created for actually preserving the historical value of Agua Fria school will be a part of that future. I foresee many things happening that will be able to balance all of what this community has had to do. But I have to tell you that one of the greatest benefits that I have had as a County Commissioner is having the kind of knowledge and support that your village brings to us, and any time there was an issue that we had to deal with with regard to Agua Fria it was never difficult for me to bring it to the Commission because I had the knowledge, the perspective, and the support of the community members of Agua Fria. Those who have worked so hard, many of whom aren't even here today, I really want to thank them very much, because your advocacy before the Commission, your advocacy before the City makes a huge difference in what the future is for you and it is that, I think, that is the single strongest ingredient that has helped you move in the direction you have. Thank you for that.

MR. MEE: Thank you, Commissioner Vigil and Madam Chair and Commissioners.

CHAIR STEFANICS: Okay. There's still more. Just wait. Thank you, Commissioner Vigil. We have Commissioner Holian, then Commissioner Anaya.

COMMISSIONER HOLIAN: Thank you, William and thank you Melinda Romero Pike for your presentation about the history. It's always wonderful to get a sense of the history of this really very special place that we live and so I appreciate that. Also – and I want to thank all the rest of you for being here in support. Clearly Agua Fria Village is a really special place in our community.

I have kind of a history question for you. I was wondering whether the Agua Fria Village area produced the food for Santa Fe County for much of its history. I noted that San Ysidro, who is my favorite patron saint, is the patron saint of farmers.

MR. MEE: Well, in fact, we would have made the presentation longer, but I have several 100 years ago today clippings from the New Mexican where it says all the corn in Agua Fria is eight foot tall, and there seems to be a bumper crop of squash in Agua Fria. So over the years it really was kind of the breadbasket of the city.

COMMISSIONER HOLIAN: Thank you. So I'm glad to find that out and I hope that it can be vibrant agriculturally again and already, I've gone on a tour of the community farm and I was really, really impressed with that. So anyway, I just want to thank you very much. And also I wanted to say that clearly it does appear that you have erosion problems in that area. But one good thing about our community is I think we have a lot of expertise and knowledge on how to deal with those problems in a really protective way. So thank you.

CHAIR STEFANICS: Thank you. Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, Mr. Mee, members of the Agua Fria community, our communities like Agua Fria, La Cienega, Galisteo, Nambe, Cerrillos, La Puebla and all of the others are very much individual, unique and diverse, but part of the collective tapestry in Santa Fe County. We recognize that and prior Commissions have recognized that. You yourselves want to control and have a big say in part in your destiny and how you improve and prosper and thrive as a community, and for that I congratulate you and commend you and all the people, past and present and in the future that will help you achieve those goals and objectives.

I want to thank you, Ms. Romero Pike, yourself, Mr. Mee, all of the presenters that you had today and acknowledge others like Connie Salazar and the Hernandez family and many, many others. We could go and on naming the many people that are part of the fabric of that community. But I would also add that Mr. Tercero, former Manager of Santa Fe County is no stranger to the efforts of Santa Fe County, and all of the previous Commissions that worked alongside him and others to continue to help communities do good things like mutual domestic associations and allowing them to not only get help and assistance but retain their individual identity and autonomy as associations. So I thank you, I commend you and I congratulate all of your on your work and I look forward – I've enjoyed working on projects that benefit Agua Fria and the Commission in the last year, year and then some, almost two years, and I look forward to continue to work with the whole Commission and Commissioner-elect Miguel Chavez. So thank you very much, Mr. Mee.

MR. MEE: Thank you, Commissioner Anaya.

CHAIR STEFANICS: Thank you. Commissioner Mayfield.

COMMISSIONER MAYFIELD: Thank you, Madam Chair. Madam Chair, Mr. Mee, Ms. Romero Pike and all members of the Agua Fria community. The pride, the historical knowledge, what you all bring to me reaffirm why I'm sitting up here on this bench and I just thank you so much for that. Your insight, William, Chairwoman Stefanics mentioned this, I would very like to have a hard copy of your presentation because there's a lot I still want to talk to you about. But all this dovetails to what we went through this morning with our code process. There's so many questions that I think we could benefit from even your presentation, of how we could benefit the code as we're wanting to rewrite that code as how we're looking at it. There's things like low-water crossings that I think we could benefit from. And on that, who locks your gate? Is that our local fire department?

MR. MEE: Sometimes it's in the fire department. Recently it's been the Sheriff that's been doing it.

COMMISSIONER MAYFIELD: Okay. And that's just something that maybe I would want us to look at for our code for some of our low-water crossings throughout the county. And then again the acequia preservation. Do you even have any active acequias right now in your community?

MR. MEE: That was Herman Montoya and Danny Montoya's lots are the only two receiving water right now.

COMMISSIONER MAYFIELD: And William, what river are they receiving water from?

MR. MEE: From the Santa Fe River and actually, it's a complicated negotiation with the City of Santa Fe. They actually get their water – it's kind of like a fire hydrant that has a meter on it, right on Henry Lynch Road, by the La Paz Subdivision, by Commissioner Vigil's house, and they're entitled each to three acre-feet and that's on the meter and so they call for the water and will run it against the meter. Because it's about seven miles of ditch from the reservoir to their house and it takes about 100 acre-feet of water to reach – if your contractual obligation is only three acre-feet why use 100 extra acre-feet? Why deliver it?

COMMISSIONER MAYFIELD: And I'll just follow up with you later on that. One important chair that you failed to mention was Ms. Lois in the back there.

MR. MEE: I was trying to get her to come up here and help.

COMMISSIONER MAYFIELD: She does a great job also for community centers. But thank you all for your presentation today.

MR. MEE: Thank you, Commissioner Mayfield.

CHAIR STEFANICS: Thank you. Again, thanks to everyone from Agua Fria who came and William for the presentation and Melinda, and if you could make sure that we receive a copy. And ladies and gentlemen, thank you again.

VIII. C. Special Presentation by Buckman Direct Diversion (BDD) Staff on Present System Operations and Future Perspectives

CHAIR STEFANICS: I see Brian and a City Council. Mr. Leigland, are you going to introduce – okay. Commissioners, the way this happened or got on our agenda is the BDD staff were very interested in providing an orientation to the BDD. I indicated that we

have received an orientation to the BDD when we all came on through our County Attorney's office. And so I indicated that if they had more information and wanted to give it to us all at once to give us a short presentation versus their two-hour request. So that is why they are here today.

ADAM LEIGLAND (Public Works Director): Madam Chair, Commissioners, I'm just going to go ahead and introduce the BDD staff and turn it over to them. Actually you already know every one. Brian, from the City. He handed out some material. [Exhibit 1] And Erika from the BDD is going to go ahead and give the presentation.

CHAIR STEFANICS: Thank you. If you end up talking you can let us all know. I think you're contract, right? So Erika, Ms. Schwender.

ERIKA SCHWENDER (Acting BDD Facility Manager): Good afternoon. My name is Erika Schwender. I'm the acting facility manager at the Buckman Direct Diversion project and I would like to give you an operational update that summarizes the major factors that impact our daily operation and decision-making process on when we would activate diversions and activate the actual water treatment plant as well.

In the handout you just received I go into detail and I'm going to, in my presentation in order to keep it short, more likely to just do bullet points. If you have questions please feel free to stop me at any time and I will go more into detail then.

The Buckman Direct Diversion project took over operations in May of 2011 and at that beginning we were accepting policies and procedures that were established by the design-build contractor based on the original design criteria. During the summer of 2011 we quickly learned that we had to adapt these policies in order to manage and work with the circumstances that were delivered to us from the Las Conchas fire. In the Las Conchas fire and after the Las Conchas fire the raw water quality in the Rio Grande was dramatically impacted by heavy sediment and ash concentrations directly related to the Las Conchas fire. We quickly changed our criteria by which we decided by when to divert the water from the Rio Grande in July, when the fire started and we decided that turbidity levels of greater than 300 NTUs and volatile organic carbon readings greater than two would result in a shutdown of diversion last year in the summer of 2011.

After the fire we evaluated all our samples that had been collected and analyzed by independent and certified laboratories and determined that all of our volatile organic carbon results were well below, or actually non-detect of any of the Safe Drinking Water Act limits. So we felt comfortable to increase the VOC – volatile organic carbon levels – to a level three. So starting in the winter of 2011 we implemented new criteria for the raw water that determined when we would cease diversions from the Rio Grande. The new levels were 600 NTUs and 3 for VOCs.

Moving on into the spring of 2012, we decided that we precautionarily would implement two different policies for the oncoming monsoon season. One policy and water quality criteria would be addressing traditional storm events that were not carrying ash concentrations. For those events we would be remaining at our 600 NTU and a VOC level of 3; anything above those levels we would be ceasing diversions at the Rio Grande.

For storm events that would be carrying ash, when they are carrying runoff from areas that were impacted by the Las Conchas fire we would be reducing our turbidity levels to 300 NTUs as we had practiced the previous year and the VOC levels remained at 3.

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Moving into the monsoon season in 2012, starting July 4th we experienced our first great storm, which also carried high ash loading and it resulted in the shutdown of the Buckman Direct Diversion. In the following days, between July 5th and August 9th we experienced a series of storms, monsoon rains as well as low flow situations with the native Rio Grande flow and the combination between low flow conditions, the Rio Grande water quality conditions due to the storms and the fact that the San Juan/Chama water that we have water rights and utilize during diversions requires at least one day advanced call. It was very difficult for us to maintain a day to day operation that was in the best interest of the operation, meaning it is very difficult to start diversion, start treating water for an hour and then the next storm event is coming through. And so in the decision-making process we evaluated what type of water is available? Is it native Rio Grande water? Is it San Juan/Chama water? What is the water quality coming through the Rio Grande at the time? What kind of water rights are available? Are they impacted by procurement policies that we have to comply with? And then also we have policies that we follow and try to address the partners' budget and therefore try to remain as much in off-peak diversion mode rather than on-peak diversion mode.

On-peak diversions during the peak summer months, June, July and August, are six times as expensive as off-peak diversions. So these are basically a summary of the factors that we consider when we decide: Do we divert? Can we divert? Is it a good decision?

In the evaluation of the change of water quality and the changing weather pattern allowed us to actually start diversions again on August 9th. In comparison, in July we experienced 133 hours during which turbidity levels were greater than 600. In September we only experienced 27 hours. It is important to keep in mind that turbidity levels are not the only factor when we consider when we decide to divert or not to divert. Any flows greater than 5 cfs coming through the Early Notification Station 1099 results in that the BDD shuts down all diversions. That [inaudible] from Early Notification Station 1099 indicates that there is flow coming from Los Alamos Canyon entering the Rio Grande and it has been a very firm policy that we have been following that any time we experience flow out of Los Alamos Canyon we shut down diversions.

So while we have 133 hours in July that are resulting in turbidities greater than 600 NTU there were additional hours that we were shut down because of flows coming through ENS 1099 that did not necessarily result in an increase of the turbidity of the river, but we do have flow out of Los Alamos Canyon.

So moving on into August, we started diverting water out of the Rio Grande on a more regular basis again. I would like to summarize that by the end of August we averaged 6.4 million gallons per day that we diverted. We delivered out of Booster Station 4-A an average of 2.7 million gallons, out of Booster Station 5-A we delivered an average of 2.3 million gallons, and raw water deliveries to Las Campanas were on an average of 1.1 million gallons per day.

By September the average was raw water diversions 7.8 million gallons, finished drinking water delivered out of Booster Station 4-A at a rate of 5.1 million gallons, out of Booster Station 5-A at 1.9 million gallons, and due to the reduced need of raw water by Las Campanas, the average raw water to Las Campanas was 0.5 million gallons per day.

As another operation note that I would like to share with you is the Buckman Direct Diversion project has three basins at the regional treatment plant. Two pre-sedimentation basins and one raw water storage basin. Each of the pre-sedimentation basins holds 2.5 million gallons totaling 5 million gallons and the raw water basin holds 3 million gallons, which gives us a total of 8 million gallons. During normal operation we utilize that storage capacity vastly. We divert during divertible hours as much as we can and fill those basins up so that we have extra treatment time and additional water available during the daytime when pumping time, diverting costs are high, or potential water quality is impaired during the daytime.

We have in September moved in a maintenance and operations phase for the pre-sedimentation basin and basically on September 8th through September 22nd the raw water basin was out of commission for cleaning, removing the sedimentation that has been accumulating over the past six months. We're inspecting the integrity of the basin and taking care of necessary repairs. That is a standard operation that we have been following and will be following in the future as well. But that means that during that period we only have 5 million gallons storage instead of 8 million gallons storage and that therefore results in some time-shifting of the diversions. We end up having to divert some, probably on average two to three hours per day during on-peak hours.

The raw water basin maintenance was completed on the 22nd as I pointed out and on the 23rd of September we started taking down the pre-sedimentation basin and we will be following the same procedure – removal of sediment, inspection and conducting repairs if necessary. And last I would like to share with you an analysis that we performed that gives us a little bit detailed information on the electrical costs that are associated with on-peak pumping versus off-peak pumping.

The BDD has huge pumps on the raw water lift stations and the Booster Station 1-A and Booster Station 2-A. In order to operate those pumps at their best setting we follow what you call a pump curve. Evaluating the pumping curve for each of the pumps leads us to the best pumping volume that gives you the most energy efficiency, it provides for the greatest lifetime expectancy and it maximizes the performance of the pumps. For those pumps the best pumping rate or the lowest pumping rate that we actually can engage in is 4.5 million gallons per day. Keeping that in mind and moving up to Booster Station 2-A where Las Campanas has its pumps that are being utilized to pump raw water from Booster Station 2-A to Las Campanas' facilities there is a great discrepancy between what we need to take in raw water from the river and what the pumps from Las Campanas can actually pump.

So the pumping rate from Las Campanas is 3 million gallons per day. There is no lower, there is no higher rate. The only thing they can pump is 3 million gallons per day; that is the only speed. With us only being able to throttle our pumps down to 4 million gallons per day that then results in that Las Campanas can only get water when water is also pumped from the raw water lift station up to the Buckman Direct Diversion project. Looking at the table I explain that it is necessary to pump 7.9 hours in order to deliver one million gallons to Las Campanas. The electrical costs associated with those 7.9 hours are for pumping raw water from the raw water lift station to Booster Station 2-A, which is where Las Campanas takes its raw water and delivers it to its facilities, during on-peak hours the cost is \$822 to deliver that 1 million gallons. During on-peak hours September through May, to deliver that

same amount of water would be \$530 and to deliver that same 1 million gallons of water pumped during off-peak hours, there are no restrictions regarding which month, the cost would only be \$158 dollars. So we can see on-peak versus off-peak has a drastic impact on budgeting.

What I would like to point out in here and in the following table on the next page is the impact on-peak pumping would have on budgeting. The only reason I'm pointing this out is it is not a matter of whether it can be done or not but I would like to encourage all partners to start open discussion, especially now since we are in the new budget development phase, to discuss each partners willingness on how much we would be open to adjusting our budgets and therefore give us at the BDD instructions on how many hours, how much money do we have available to allow for on-peak pumping.

And if you go towards the end of your presentation I also included a few maps to explain to you first on a very large scale where the San Juan/Chama water is coming from. It's coming from the southern end of Colorado. It's stored in a series of reservoirs and in order for us to have access to that San Juan/Chama water we need to place an advanced call to the Bureau of Reclamation and we have just been informed that they would actually like to have two days notice rather than just one day notice. So we have to call two days in advance before we can actually divert that water at the diversion structure.

On the next map, the following page, it's a more close-up, brief description on where the diversion structure is located down at the river and how it is pumped up to the Buckman Direct Diversion water treatment plant and the red lines that you're seeing are the pipelines that are delivering the finished water to the northern end and the southern end of the area. Similarly, on the last page I also included a map that is coming out of the FOPA. It gives you a little more detailed information on where the various pumping stations, like Booster Station 1-A, 2-A and the raw water lift station are located. And if you have any questions I'd be happy to answer them.

CHAIR STEFANICS: Thank you very much. Are there other individuals that want to make any statements before we go to questions? Anybody? Okay. Thank you. Commissioners, questions, comments? Commissioner Mayfield.

COMMISSIONER MAYFIELD: Thank you. Ms. Schwender, thank you for the presentation. I guess just a couple general questions. So your presentation, the BDD partners are in the process of establishing agreements to allow the BDD to utilize native water rights during the monsoon station and to pay back. Where are we in these agreement negotiations?

MS. SCHWENDER: We are in the process of circulating a draft version of this agreement and we're hoping to get everyone at the table in the next week to discuss the draft version. And it's really just a working draft. It's not something that has been drafted and now is awaiting approval. It is just a start to start negotiating and finding a good resolution and formulation of everybody's thoughts and needs.

COMMISSIONER MAYFIELD: And will you state, just for the record, who all the partners are please?

MS. SCHWENDER: That would be Santa Fe County, Las Campanas, and the City of Santa Fe.

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COMMISSIONER MAYFIELD: And again, you're going to have us at the table soon to talk about this?

MS. SCHWENDER: Yes, sir.

COMMISSIONER MAYFIELD: And then, as far as achieving budget compliance with the partners on the flow rates, and I know I talked about this at the BDD meeting and I'm going to talk about it real quick here. To me, as I see it, part of it is the cost involved in running the operations. And it's cheaper, arguably to run the operations at night as you've just indicated in your presentation. The dilemma is that at night, arguably, that's when the water is little more turbid, we deal with our monsoons. I mean I would hope we would deal with our monsoons if we ever had them. So that's kind of where the trade-off is and as I understand it, it's just cheaper to suck the water out of the wells, right? At least on the City side? Is that why we're not? And you guys don't have the budget to be running the operational budget to be running the BDD? Is that what's going on right now?

MS. SCHWENDER: Actually, what I was trying to convey in my presentation was that the decision-making factor of whether we're diverting or not diverting is not solely based on financial decisions. It is a series of factors such as the water quality. It is the availability of San Juan/Chama water, of native water, and the financial implications of on-peak pumping are just one fraction of the decision-making process. However, and I agree with you that during the monsoon season, unfortunately due to the natural pattern, the better water quality usually occurs on-peak times.

So what we would like to encourage our partners is to re-think financial allocations for electricity costs so we can make it not a hardship, not having afterwards to come to the partners and asking for an adjustment of an electrical budget, but to keep that in mind when we're developing our budget for the upcoming year.

COMMISSIONER MAYFIELD: And Madam Chair, Ms. Schwender, what fractional percentage of dollars is that? What percentage of that is based on dollars, do you think? Five percent? 50 percent?

MS. SCHWENDER: Well, if you go to the last page of my written presentation the numbers that I'm listing here are based on 30-day pumping, so maybe a monthly allocation, and I tried to describe a series of situations. If we were to be – for example if you look at the first line, 7.9 hours which equates one million gallons being pumped from the raw water lift station to Booster Station 2-A. If we pump that amount between those hours, 7.9 hours entirely on-peak it would be \$24,660, versus if we were to pump that entirely during off-peak hours it's \$4,740. So you can see it's roughly 5 ½ to 6 times more expensive during the on-peak times during June, July and August.

It is very difficult to predict in the future how many hours of on-peak versus off-peak pumping would be necessary. We may have next year a very mild monsoon season or we have a monsoon season with short-lived storms. So to kind of give you an average situation I tried to calculate out numbers for a scenario – let's say we need 7.9 hours to pump on million gallons and if we would split that 50-50, on-peak versus off-peak, if you look at the fourth line down, during the monsoonal months that would come to a total of \$14,574. So that is roughly three times as expensive. So if we would – we're a very young operation. We only have two years that we can fall back on seeing what the weather is doing, seeing what the pumping requirements are. This is the first year that we were delivering raw water to Las

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Campanas. So there is a – it will be necessary to do some calculation and guessing, and I would rather err on the high side than on the low side and if we don't use the electricity as we discussed the last time, because electricity is being billed based on usage. So if we budget the amount but then it turns out that we don't have to pump as much on on-peak hours you're not being billed for that amount.

COMMISSIONER MAYFIELD: And let me just ask, we're also looking at another solar – what are we looking at putting out there?

MS. SCHWENDER: We are in the process of development for another solar plant down at Booster Station 2-A and Rick Carpenter probably has more information on the details on that.

COMMISSIONER MAYFIELD: Is that maybe two years out?

CHAIR STEFANICS: Rick, do you want to come up please?

RICK CARPENTER: Madam Chair, Commissioner Mayfield, actually the RFP for the first phase of procurement hit the street today. We're moving forward and it's really just a matter of several months before it's implemented.

COMMISSIONER MAYFIELD: Oh, so we'd have that on line next year?

MR. CARPENTER: That's our hope.

COMMISSIONER MAYFIELD: Great. Let me ask this question too then. As far as in your presentation you talk about turbidity and also the heavy ash load. I don't know what's come out of the mountains this last year. I don't think there's been much monsoonal rain. But do you guys project if there is this coming year decent monsoonal flow, how long it will take to clean that ash out of those mountains? Is it going to be another year? Another two years? A couple good rains?

MS. SCHWENDER: That's a very good question. Based on the experience of the Cerro Grande fire it takes about three years to remove the majority of the ash, but of course that is highly dependent on the monsoonal season that you're getting. So we could clearly see a difference in the amount of ash this year compared to last year. Monsoonal rains are very regional so it really depends on where it is raining next year and how much. But on average, based on the Cerro Grande fire it is being discussed in the area of about three years, four years.

COMMISSIONER MAYFIELD: So at least we can anticipate that next year we're going to be down a lot, if it rains.

MS. SCHWENDER: That is a potential.

COMMISSIONER MAYFIELD: Or is it definite if it rains. If it's raining in those canyons it's a definite.

MS. SCHWENDER: Well, it really depends on where it's raining, right?

COMMISSIONER MAYFIELD: And then I guess going back to – just so you know, there's a couple other things we were going to discuss in today's agenda and one of them is raw water delivery, and that's a little later on our agenda today. But I guess what I'm thinking about and I'm just going to say this out loud right now, because I know Mr. Guerrerortiz is in the back of the audience so he can be prepared for a later question I'm going to have, I'm thinking maybe we need to look at attaching some sort of water delivery rider if we're going to be doing some type of peak flow pumping or of delivering to other systems, if they need to get raw water. If we need to pump during times when we can pump

and if it's during the day and it's high time then maybe we have to look and maybe we need to look at that as the BDD. We look at individually as to who our customers are, but maybe we need to look at establishing some sort of a rider and that's pretty much what I'll say and I'll save that comment for a little later. So thank you for the presentation. I appreciate it.

MS. SCHWENDER: Madam Chair, Commissioner Mayfield, I appreciate your comment. We're all very engaged in communicating amongst all the partners, the County, the City, as well as Las Campanas. We have made great progress in terms of exchanging thoughts and it is my understanding that the County is working on some engineering and some other possibilities and hopes to improve the raw water delivery potentially.

COMMISSIONER MAYFIELD: Thank you. And Madam Chair, I'm sorry, I do have one more question. This might be for Mr. Guerrerortiz or Mr. Leigland. What is Santa Fe County, as far as our native water rights along the Rio Grande, what are we losing that goes downstream that totally passes Santa Fe County? What are we actually pulling out as our percentage of native rights out of that river that we're not even getting any beneficial use from?

CHAIR STEFANICS: I see Pego coming forward. Could you answer the question?

PATRICIO GUERRERORTIZ (Utilities Director): Yes. Madam Chair, Commissioner Mayfield, we have diversionary rights of 1,700 acre-feet a year and we have the ability to cover every single one of those rights or those acre-feet. We are using between 280 and 320 acre-feet a year at this point.

COMMISSIONER MAYFIELD: So 1,500 acre-feet are just going on down the river.

MR. GUERRERORTIZ: 1,400.

[Audio difficulties were experienced.]

MS. SCHWENDER: I would have to refer on the water rights issue. I am not really deeply involved in the water rights allocation. The project manager has an employee who helps us with the allocation and water rights accounting and it is not my matter of expertise so I don't know exactly how many acre-feet the County has available.

COMMISSIONER ANAYA: So I'm going to rely on what Mr. Guerrerortiz said and go with we have available at the point of diversion 1,700 acre-feet. Is that correct, Mr. Guerrerortiz?

MR. GUERRERORTIZ: Madam Chair, Commissioner Anaya, we have the ability to divert 1,700 acre-feet of water a year. We have more water rights than that. If you include the agreement that we have with Las Campanas they have additionally some 540-some acre-feet or water diversionary rights on the river also.

COMMISSIONER ANAYA: Just Santa Fe County alone for now and then I'll get to Las Campanas and the City of Santa Fe. We have 1,700 acre-feet that we're allotted the ability to divert through the system. Right?

MR. GUERRERORTIZ: That's the capacity of the diversion, yes.

COMMISSIONER ANAYA: Is there anything in the partnership agreements between the three entities that restricts – and either of you can answer this – that restricts when we divert that water from the diversion project? I'm not talking about additional clients

and additional need, but is there anything in the agreements that is budgetary or prohibited in any way for us to access that 1,700 acre-feet at the point of diversion. Not speaking of environmental issues or other issues related to – beyond our control.

MR. GUERRERORTIZ: Madam Chair, Commissioner Anaya, if you wanted to divert 1,700 acre-feet of water each year you could do it. There is no prohibition or limitation on how much we can divert. That's our capacity limit for diverting water through the project.

COMMISSIONER ANAYA: Okay. So Madam Chair, ma'am, tell me your name again. I apologize.

MS. SCHWENDER: My name is Erika Schwender.

COMMISSIONER ANAYA: Thank you very much. Could you tell me – what I'm trying to understand is you provided a lot of information and detail as to what the pumps do and what some of the issues are associated with the pumping and accessing water, but from a strictly budgetary framework we have a percentage of the obligation for the operation of the Buckman Direct Diversion of 25 percent and the City has an obligation of 75 percent. Other than that, are there any other constraints for us to access the 1,700 acre-feet of water that we have available to us?

MS. SCHWENDER: From the operational standpoint which is what I can answer your question. As I mentioned, I'm the acting facility manager. I am dealing with a steep learning curve. I had to jump into the financial parts and many things so I'm not very fluent on that yet. But from an operational point the diversions are really depending on our water rights available, what kind of water rights are available. So in your case we're dealing with native Rio Grande rights. There is no advanced calling necessary, so providing there is a need for enough water, meaning the 4.5 million gallon a day pumping rate, if that is net and the water quality is available in the Rio Grande we can divert Rio Grande water as long as we're not in a curtailment phase. And I don't know if you're familiar with a curtailment issue but the BDD is regulated and has to comply with the biological opinion, which is basically a document and regulation that protects endangered species in the Rio Grande down-river from us, and based on that we need to make sure that enough water is available in the Rio Grande.

That regulation really only impacts the native Rio Grande water, not the San Juan/Chama water. So should we be in a month where there is low native flow in the Rio Grande and the County would like to divert a lot of water that would exceed the maximum diversion rate that is allowed under the curtailment regulation, then we would not be able to do that, because there's not enough native Rio Grande water available at that point.

COMMISSIONER ANAYA: So, Madam Chair, if I could, and I apologize, but is there somebody behind you that has an answer to the question, whether it's the Councilor or some other staff as to are there any other restrictions other than the environmental restrictions that you just recognized or stated based on curtailment that prohibit us accessing up to whatever's available.

BRIAN SNYDER: Brian Snyder, City of Santa Fe Public Utilities Department and Water Division Director. Madam Chair, Commissioner Anaya, I'm not aware of anything prohibiting you. From an operational standpoint we do a weekly call. On a weekly basis BDD staff, County staff, City staff, Las Campanas staff participate in the call and look at the past week usage patterns and challenges within the BDD as well as the week looking forward. In

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that same call they decide how much water is going to be called for from San Juan/Chama water, whether it be BDD, whether it be City, County or Las Campanas or native water.

So that communication happens at the beginning of each week, so from a limitation standpoint BDD staff is operating based on whatever the County staff's request is for water. I can't really speak to the County staff's side of demands but City and County staff will only divert based on what the demand projects are for their usage within the system. That may be a limiting factor.

COMMISSIONER ANAYA: So that's helpful to me understanding more. Based on the budget that's in place right now, is the cost in the budget for both parties, the City and the County, proportionate to the use? The current use?

MR. SNYDER: Madam Chair, Commissioner Anaya, yes, it is. It's based on – there's volumetric flows and fixed costs. Variable costs and fixed costs, and they're based on your usage. Whatever water the County calls for or whatever water the City calls for, we pay that fee towards the water that is called for. And Las Campanas the same.

COMMISSIONER ANAYA: Madam Chair, sir, are the administrative costs associated with operations added in at the beginning and then the flow operational costs are separate so you have staffing and operational costs and then we're paying for – right now it sounds like 320 acre-feet of flow. Are they grouped together?

MR. SNYDER: Madam Chair, Commissioner Anaya, they're actually separated into fixed and variable costs. And the fixed costs are standard whether you divert anything or not, admin costs, and then the variable costs are variable.

COMMISSIONER ANAYA: So, Madam Chair, sir, we're going to pay for the administrative and fixed costs whether we utilize one acre-foot or 1,700 acre-feet.

MR. SNYDER: Madam Chair, Commissioner Anaya, all the partners will pay the administrative cost. That's correct.

COMMISSIONER ANAYA: Madam Chair, sir, what is the percentage of the budget that is fixed and operational right now, of the total budget? Roughly. Percentages. Ballpark. I understand you might not have it in front of you but a ballpark percentage. What percentage is those fixed costs and what percentage is the flow cost?

MR. CARPENTER: Madam Chair, I apologize. I didn't introduce myself the last time I was up here. I'm Rick Carpenter, Water Resources Manager for the City. Madam Chair, Commissioner Anaya, the budgets that I've been involved in in the past were about half and half between fixed and variable.

COMMISSIONER ANAYA: Okay. And dollar figures? What does that equate to?

MR. CARPENTER: I think the budget was about \$8.5 million total.

COMMISSIONER ANAYA: So \$4 million, \$4.25 million is fixed, that's shared between the entities and the balance is the flow cost?

MR. CARPENTER: That's correct.

COMMISSIONER ANAYA: Okay. What percentage – and it doesn't matter who decides to answer it for us. How much – in the peak, it sounds like our peak is 320 acre-foot that we're utilizing. What's the peak use by the City of Santa Fe from the diversion project? What's the total available that the City of Santa Fe has to draw from BDD, and what

is the peak that you're using? We're using 320, less than 25 percent. What is the City utilizing?

MR. CARPENTER: Madam Chair, Commissioner Anaya, the City has 5,220 acre-feet per year in capacity in the project, and the City endeavors to use that amount each year. And that's all San Juan/Chama water.

COMMISSIONER ANAYA: So, Madam Chair, sir, you're using – you endeavor to use it or you're using all of it?

MR. CARPENTER: Our goal is to use it all. I believe we used about all of it last year.

COMMISSIONER ANAYA: Based on what happened with the environmental aspects and some of the items previously noted, how much did it get reduced because of the diversion being down? Or do you offset it with an increased amount of use when you have it available? Is that how you balance it? If you're shut down in April do you make it up in May? Is that what you're saying you do?

MR. CARPENTER: Madam Chair, Commissioner Anaya, that's exactly correct. We'll increase diversions when we're able to in order to make up for those times when we're not able to divert.

COMMISSIONER ANAYA: So Madam Chair, I greatly appreciate the comments and the feedback that we've received, along with the comments of Commissioner Mayfield. I too want to seek ways of expediting and speeding up the use of the surface water from Santa Fe County to alternate resources and areas to be able to utilize that surface water as opposed to utilizing groundwater. So I know we have challenges but I think we have opportunities in those challenges. So that's my desire to look in ways of creatively being able to pull out our share of the water for surface use to reduce what we're pulling out of groundwater. So any comments on that, Mr. Guerrerortiz? Or anybody from Santa Fe County staff? I know you don't want to comment any more. I'd like – do you have any comments? Not just on maybe putting water in the Santa Fe River but other uses to utilize the surface water to maximize our use, similar to what the City of Santa Fe is doing, which it sounds like in those low times they're making up for it in other months. What alternatives are we thinking about to –

MR. GUERRERORTIZ: Madam Chair, Commissioner Anaya, the most important alternative that we're pursuing right now, and you can see that in one of our projects for the next bond election is the one that includes the aquifer storage. And the idea is that we would maximize the diversion from the Rio Grande surface supply and store it in our aquifer so that replaces the water that would otherwise be used from the aquifer when the river is either too low to be available or the quality is [inaudible]

COMMISSIONER ANAYA: Madam Chair, Mr. Guerrerortiz, just thinking out of the box a little bit, could we, in those areas where we have established relationships with mutual domestic water associations, couldn't we theoretically work in partnership with those entities as we have in the past to utilize surface water within those facilities that may become County facilities as opposed to utilizing groundwater, to increase our groundwater aquifer? Couldn't we think about those aspects and creatively maximize the diversion of the water so that we reduce our taking of groundwater?

MR. GUERRERORTIZ: Madam Chair, Commissioner Anaya, that's exactly what we're trying to do. Right now, for instance, we have an agreement with Agua Fria and we have an agreement with La Cienega for us to provide BDD water to them. At this point they're still using their groundwater and have the ability to use BDD water only under emergency conditions. But we have the ability to deliver water to them.

COMMISSIONER ANAYA: Madam Chair, Mr. Guerrerortiz and staff, I think we had the discussion about some of the raw water that people are hauling and utilizing and I think there's many opportunities. I know Commissioner Mayfield has brought it up and I've brought it up, but I think there could be more creative ways to create wholesale opportunities to extract that surface water and utilize it because we have that capacity and ability in the interim of utilizing it for other means. What I've always said in working on the Commission and leading up to the Commission is whatever we can do as a county to reduce the amount of water we're pulling from the groundwater that's going to be better for the entire community at large. So I think we need to move more aggressively to using that surface water and using all of that allocation and being creative as we come up with options as to how to use it in the county.

Madam Chair, Ms. Miller, do you have any thoughts or feedback on some of the dialogue? I mean I'm glad that there's a presentation today but is our relationship strong? Are there areas that we could work to enhance the relationship or what's your perspective from a Manager perspective?

MS. MILLER: Madam Chair, Commissioners, I think one of the big things for the County for working with the City and the BDD is looking for ways to actually use the system maybe when it isn't being used completely for supply water and treated water, but to look for ways to use the system for raw water. Also, we have several requests for points of delivery on the system, where we would actually be able to use more water when the system is running and I think that's important as well. And so these are some issues we do need to work on with the City, because it's really beneficial to the overall system if you want to look at the whole aquifer and the water that we can pull off of the river.

We have quite a bit of excess capacity as far as water rights that we own. Looking at ways that we could use those when the system is up and running and assist other entities, as you said, the mutual domestics, look at the aquifer storage and recharge. I think that will be beneficial to the whole area. Also, if there's any way that we can work with the City when they need some of those rights, rather than just let them go down the river. I think those would all be beneficial to the whole community and really not draw the lines of whether we're in the county or in the city because we're all using the same aquifer.

COMMISSIONER ANAYA: Thank you, Madam Chair. I appreciate the feedback and the comments from all parties.

CHAIR STEFANICS: Thank you. Is there anything else on this matter? Commissioner Mayfield.

COMMISSIONER MAYFIELD: I'll turn it over to the other Commissioners who have questions but if not, just two follow-up points. Madam Chair, Ms. Miller or Erika, would it be – operationally, would it be any less expensive if the County just pulled out raw water and didn't pull out treated water? Or would it still arguably cost us the same?

MS. SCHWENDER: Madam Chair, Commissioner Mayfield, the costs that I referred to are for diverting from the river up to the Buckman Direct Diversion treatment plant, which would be raw water. The finished water is what is being delivered out of the water treatment plant to our customers. So the raw water being diverted from the river up to either Booster Station 1-A, 2-A or the treatment plant will remain the same.

COMMISSIONER MAYFIELD: Okay, and maybe I didn't ask this right, but if the County found a way to increase its native right use, let's say we went from 250 to 550, strictly raw water, would that be cheaper for us? Or would we still have to be paying our going rate?

MS. SCHWENDER: The cost would remain the same. The cost per million gallons of water.

COMMISSIONER MAYFIELD: Regardless if it's raw or treated.

MS. SCHWENDER: yes.

COMMISSIONER MAYFIELD: And my second question is, how long has BDD been online operating right now?

MS. SCHWENDER: We started operating in January 2011, and we took over operations of the BDD itself in May of 2011.

COMMISSIONER MAYFIELD: Okay. So what are you on target to pull out of the BDD January of 2012? What was one year? How much water have you pulled out through the BDD of treated water?

MS. SCHWENDER: I don't have the final number. I know we fulfilled the San Juan/Chama calls that were replaced from the County and the City. We fulfilled those. And then whatever the County called for for daily native rights, but I do not have it at hand right now. I'd be happy to provide you that follow-up.

COMMISSIONER MAYFIELD: And Madam Chair, listening to Rick, you've pulled out the full 5,000 for the City of Santa Fe?

MS. SCHWENDER: Yes. That was included. We were I think maybe 40 or 50 acre-feet short for the City.

COMMISSIONER MAYFIELD: And not getting into the City's business, but was any of that supplemented by their well usage or was that strictly their 5,000 permissible through the Rio Grande?

MS. SCHWENDER: That was the 5,200 acre-feet that the City is allowed via the San Juan/Chama project.

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

CHAIR STEFANICS: Thank you. Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I guess my follow-up would be why is there not a difference between raw water and finished water? I would assume that sending it through the process of treatment is part of the expensive process of making the water finished water. So help me understand that; it doesn't make sense.

MS. SCHWENDER: That is a very good question. I apologize for not having made that clear. The cost that I was referring to in my original presentation are strictly electricity costs associated with pumping the water from the Rio Grande to the Buckman Direct Diversion treatment plant. That cost that I referred to does not include the actual

treatment of the raw water. It is merely the cost associated with pumping it out of the Rio Grande to Booster Station 1-A, to Booster Station 2-A and then to the treatment plant.

COMMISSIONER ANAYA: So the cost is more expensive to go through –

MS. SCHWENDER: Absolutely. To actually treat the water has additional electric costs as well as chemical costs, solids handling and anything associated with that.

COMMISSIONER ANAYA: So Madam Chair, ma'am, we could – there is – what's the escalation from raw water to finished water? What's the increase in cost? Because I think what Commissioner Mayfield – I'm assuming, Commissioner and stop me if I'm wrong, but we're trying to figure out if we were able to utilize the raw water, because we have a higher need for the raw water now, as opposed to the finished water, it's going to cost us less. Right?

MS. SCHWENDER: What Brian Snyder was referring to earlier, there is – the way costs are divided, fixed costs as well as the variable costs, the variable costs are calculated out based on usage. So if the County, for example, uses 1,000 gallons in a month then you would be charged with the chemical treatment, the electrical cost, solids handling, ozone production and so on associated with those 1,000 gallons.

COMMISSIONER ANAYA: Madam Chair, if I could – only if we were wanting to use finished water.

MS. SCHWENDER: Right.

COMMISSIONER ANAYA: If we use raw water, I'm going to assume, and I might be wrong, but I'm going to assume it would be just the cost to export the raw water to the end point, wherever that might be.

MS. SCHWENDER: Madam Chair, Commissioner Anaya, that is absolutely correct. It is really calculated out per gallon, and what you're receiving. Raw water has different associated costs than the actual finished water.

COMMISSIONER ANAYA: Madam Chair, of the 320 that we utilize out of the facility, how much of that is finished water and how much is raw water?

MS. SCHWENDER: I have to apologize. I don't have the numbers and the ratios of the water in front of me right now.

COMMISSIONER ANAYA: Madam Chair, Mr. Guerrerortiz, how much of our 320 on the feet that we're utilizing is raw and how much is finished water?

MR. GUERRERORTIZ: Madam Chair, Commissioner Anaya, the 320 acre-feet that I was talking about is all potable water.

COMMISSIONER ANAYA: It's all finished water.

MR. GUERRERORTIZ: That doesn't include the raw water that we're taking. That would be an additional 300 to 550 acre-feet.

COMMISSIONER ANAYA: You're talking about of raw, if we utilize that.

MR. GUERRERORTIZ: Yes.

COMMISSIONER ANAYA: Okay. Thank you, Madam Chair.

MR. GUERRERORTIZ: That's water that is not from our diversionary capacity. That's why I didn't –

COMMISSIONER ANAYA: It's under Las Campanas'.

MR. GUERRERORTIZ: Yes.

COMMISSIONER ANAYA: Okay. Thank you, Madam Chair. Thank you, Commissioner Mayfield.

CHAIR STEFANICS: Thank you. Commissioner Vigil.

COMMISSIONER VIGIL: I just – while we have all the – thank you very much for being here, for your presentation. The other – has the quick answer for this because I appreciate the Commissioners' probing questions. There's also a factor in this project that we haven't discussed because now we're talking about fixed and variable costs because that's where we're at. But prior to that when the City and the County were actually negotiating and entered into the joint powers agreement, there are specific agreements into shared costs for the infrastructure. Does anybody have those numbers in terms of what the costs were for the partners?

MR. CARPENTER: All the capital costs? I think that's what you're referring to, are shared 50-50 between the City and the County.

COMMISSIONER VIGIL: Okay. And that was originally. Is that continuing to be or are those costs viewed as fixed or variable at this point in time?

MR. CARPENTER: Capital costs are completely different from operations and maintenance costs so it's a completely different percentage. The capital costs are 50-50, and as stated earlier, O & M costs are 75-25 for fixed, and then variable based on volumetric use.

COMMISSIONER VIGIL: Okay.

MR. CARPENTER: Two separate budgets.

COMMISSIONER VIGIL: Okay. And help me, because I'm trying to recollect this. To what extent did the third partner, Las Campanas participate in capital costs?

MR. CARPENTER: Madam Chair, Commissioner Vigil, I'm sorry I don't have the exact figures with me. Originally when they were a partner in the project they were to pay for their share of their capacity, so they had roughly 21 percent of the capacity. Now, when they pulled out of the project and became also a customer of the County that percentage changed, but I think it was – gosh, I hate to throw a number out because I might be wrong but I think it was like 11 percent. I could be wrong. But they have paid their share of the capital costs.

COMMISSIONER VIGIL: Do they still have responsibility to any capital costs now that they are a customer of the County?

MR. CARPENTER: Well, the capital costs – that budget was closed out several months ago because construction was complete. So their obligation to pay capital costs, just like the County and the City, that has gone away with the close-out of the capital budget.

COMMISSIONER VIGIL: That's for the original design and build, but as we look at improving services, systems and delivery there may be additional capital costs. So with regard to that, does Las Campanas still hold the liability to that or is the partnership just between the City and the County? Or is that something that needs to be interpreted, Rick? I would understand if that was your response.

MR. CARPENTER: Madam Chair, Commissioner Vigil, I think that would have to be revisited at this point. There's been so many changes since the JPA and the FOPA were originally contemplated.

COMMISSIONER VIGIL: Okay. And I guess I sort of bring that issue up because maybe it is something that needs to be considered. The joint powers agreement may need to be revisited for many items that need to be discussed. One of the things that I participated in was a lot of the implementation and the transference of this delivery system to the City becoming a fiscal agent of it and identifying FTEs and things of that nature for it. But I think that in and of itself changes the dynamics and the structure and I think we've had a lot of learning curves also when it comes to the training and staffing of this. So it might be a possibility and I just throw this out with regard to future Buckman Direct Diversion board members that that JPA may need to be revisited because it's seeming to me from my experience so far is that we're dealing with some of these issues sort of piecemeal, and maybe they need to be looked at through the joint powers agreement.

MR. CARPENTER: Madam Chair, Commissioner Vigil, also, those documents do – they really don't expire but the discussion is written into them so they can be reopened December 31, 2015, I believe. So there actually is a date that was preset to have that very discussion that you're making reference to.

COMMISSIONER VIGIL: And I hope that there are participants that are part of the staffing and the issues that we have to deal with become a part of that process, because I think to that end we'll get a better product. Thank you, Madam Chair.

CHAIR STEFANICS: Thank you. Seeing nothing else I would like to thank you all for coming today to do the presentation. We appreciate it very much.

SFC CLERK RECORDED 11/15/2012

IX. PROCLAMATIONS

A. Proclamation to Raise Awareness of Domestic Violence During the Month of October

COMMISSIONER VIGIL: Thank you very much, Madam Chair, members of the Commission. I'm always honored to recognize issues of this nature in our community and I'm not sure we're not aware because we all are actively engaged in many of the issues that are part of our community. This is huge. Domestic violence has really gained more insight and visual and recognition because the County has become a huge supporter of that. And I know Sherry Taylor is here. Sherry, would you come forward and bring forth some of the folks that are here with you? I actually, Madam Chair, am going to be taking the next two items because they're very related. The proclamation is very short. It states: Whereas, almost one-third of American women murdered each year are killed by their current or former partner, usually a husband;

If you would stand at the podium, Sherry, I'm actually going to turn it over to you for the next item because really, you're responsible for honoring one of our employees.

Whereas, approximately 1 million women in America annually report being stalked and many children suffer or witness abuse in their homes;

Whereas, domestic violence spills over into schools and places of work and affects people from every walk of life;

Whereas, children experiencing domestic violence are at higher risk for failure in school, emotional disorders, substance abuse and perpetrating violent behavior later in life; and

Whereas, Santa Fe County partners and supports the City of Santa Fe, Esperanza Shelter for Battered Families and many other agencies who have created a Coordinated Community Response Council to End Domestic Violence, Sexual Assault and Stalking in the City and County of Santa Fe.

Now therefore, the Board of Santa Fe County Commissioners does hereby proclaim October as Domestic Violence Awareness Month and calls on all Santa Feans to commit to preventing domestic violence and to assisting those who suffer from it, so that our collective efforts will contribute to peace in our homes, schools, places of work, and our community to ensure the safety of countless children and adults.

I move for approval on this proclamation.

COMMISSIONER MAYFIELD: Second.

CHAIR STEFANICS: There's a motion and a second from all of us. Shall we take a vote first and then hear from them?

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

CHAIR STEFANICS: Okay, comments. Commissioner Vigil.

COMMISSIONER VIGIL: I would just – it always, I think those of us who serve in the public sector really learn through a process of serving that we also come to our positions from our own experiences. Before I came into Santa Fe County I was a prosecutor for the First Judicial District and while I was here one of the assignments I had was abuse and

neglect cases, batteries and assaults, and it amazed me how many of those cases that are referred to the district attorney's office have to do with domestic violence. And it was really disheartening and Baby Jessica – I don't know if everyone can remember that far, was a case that I procounseled in prosecuting. Children and infants become the helpless, the most helpless of all victims of domestic violence. There's no one that can speak for them and they become the most readily available target or someone who is unable to deal with their own sense of lack of control.

So I have always been an advocate for domestic violence intervention and of course, again I say for prevention. And I really want to recognize Sherry Taylor with the Esperanza Shelter for battered families. We have so many clients and a vast array that you're dealing with at this particular time, huge, one of those things that sometimes it's just beyond measure in terms of what you actually see, but you also experience quite a bit of success in what you're doing. I'm particularly impressed, when I first got involved with Esperanza about how many families are being counseled because I think the understanding of domestic violence not only affects the victim but the entire family and the family system and indeed the extended family is huge now. And to learn that and to address it from that perspective I think is a wonderful thing.

Based on that I'm so happy to support this proclamation and I'm going to go ahead and let the other Commissioners speak to their concerns and any statements they'd like to make with regard to this, and then I'd like to turn it over to you for the next item that we will be presenting. Thank you, Madam Chair.

CHAIR STEFANICS: Thank you, Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Madam Chair. I just want to thank you so much for what you do. I know that you must see a lot of sad stories day after day, and I really commend you for keeping with the work that you do, but hopefully you see enough positive results too to keep you going. So thank you very much.

CHAIR STEFANICS: Thank you. Anything else?

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR STEFANICS: Yes, Commissioner Mayfield.

COMMISSIONER MAYFIELD: It's with heartfelt the services you have to provide but I'm very glad that you provide these services to the community and women in need and families in need. So thank you very much.

CHAIR STEFANICS: And I'd like to thank you all because your new facility is able to handle even more people and with all your services, all your facilities, your staff, your volunteers, our County staff, I'd like to commend everyone for taking the time to address this important issue and problem. Commissioner Vigil.

IX. B. Certificate of Recognition for David Padilla, Santa Fe County Public Works Project Manager Recipient of the New Mexico Coalition Against Domestic Violence and Community Hero Award for Esperanza Shelter

COMMISSIONER VIGIL: Well, Sherry, you're welcome to respond to any of these comments and then what I'd like you to do is introduce the recognition for our

outstanding public service and commitment to excellence and contribution for planning and design of the Esperanza Family Shelter, and how that selection was made.

SHERRY TAYLOR: Thank you, Commissioners, and I know that it's a process that I'm not speaking. But I want to thank you for a beautiful building. Our building is gorgeous, and we do get to help more people. And that building was put into place because only about 10 percent of people experiencing domestic violence need to go into shelter. This building is for everybody else. We call it our support center. I want to thank all of you so much for all of your continued support, nearly a decade, everybody.

So, on another level, Dave Padilla has been with us for about ten years since before the ground was even broken. He's been running around helping. Everybody's helped a lot, but helping from a distance is a little different than all of us for two whole years. I mean all of us. There's 30 staff and we're always in crisis mode and Dave always shows up and gets on the roof or gets under the building or readjusts something that we may or may not have messed up; we're not claiming anything. Anyway, so he's been here the whole time. So I'm on the board for the coalition for the state for domestic violence, the New Mexico Coalition Against Domestic Violence and we have an initiative where we include community members, and it's usually volunteers. We have great volunteers, but when I was thinking about it it was like Dave. Dave has survived these last two years with brilliance. He's just been great. And so I submitted the letter which you all have a copy of I hope, and he actually, for the region, he won, and we'll be going down to Las Cruces at the end of this month and he'll be receiving a state award from there as well. But I wanted to let you guys know and get the opportunity to say thank you one more time. And they have purple ribbons. I cut them. I don't want to hear about it; they're a little crooked. Anyway, they're purple and it's great to have everybody's support. So when I was talking to Rita she said make sure you bring the purple ribbons.

COMMISSIONER VIGIL: Thank you. And I just want to recognize David Padilla. Employees who embrace the work they do should be recognized and I know that the times that we worked on many issues with Esperanza David was there. There wasn't a time that he wasn't. And so I appreciate somebody out there recognizing him and I think it was an award called –

MS. TAYLOR: It's called the Community Heroes Award.

COMMISSIONER VIGIL: He's a community hero, and with that we have a certificate of acknowledgement and appreciation for him and your proclamation. So with that, Madam Chair, members of the Commission, if we could congratulate these folks.

CHAIR STEFANICS: Thank you for your patience in waiting. It's a very important service you do so it gave you a little break from taking care of those clients right now.

X. APPROVAL OF CONSENT CALENDAR

CHAIR STEFANICS: Are there any changes to the Consent Calendar?

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR STEFANICS: Yes.

COMMISSIONER MAYFIELD: I will be brief, but I'm asking for A. 1.

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CHAIR STEFANICS: Okay, so A. 1 is removed. Anything else?

The Consent Calendar was unanimously [4-1] approved. [Commissioner Holian was not present for this action.]

XI. CONSENT CALENDAR (Public Comment for Resolutions)

- A. Appointments/Reappointments/Resignations
1. Appoint Member to Santa Fe County Ethics Board (Penny Ellis-Green)
ISOLATED FOR DISCUSSION
- B. Resolutions
1. **Resolution No. 2012-135, a Resolution Requesting a Budget Increase to the Water Enterprise Fund (505) for a Construction Reimbursement Fee Payment From Desert Academy to Be Passed Through to Developers of the Old Las Vegas Highway Low Pressure Sewer Line / \$60,580. (Public Works/Utilities/Teresa Martinez)**

Withdrawn Item:

- XI. A. Appointments/Reappointments/Resignations
1. **Appoint Member to Santa Fe County Ethics Board (Penny Ellis-Green)**

PENNY ELLIS-GREEN (Deputy County Manager): Madam Chair, Commissioners, this is an appointment. As you know, the Ethics Board lost a member. Mr. Randy Forrester passed away in August, so this is replacing Mr. Forrester.

COMMISSIONER MAYFIELD: Yes, Madam Chair, and I had an opportunity to speak with Ms. Ellis-Green and also Manager Miller. I think the recommendation is a great recommendation. You advertised for this Penny, a month ago – not a month ago, three, four months ago for a prior vacancy when we expanded from three to five. You had numerous applicants. There were great, qualified applicants so you all just chose to stay off of that past list. Correct?

MS. ELLIS-GREEN: Madam Chair, Commissioner Mayfield, that's correct. We had a top two when we advertised last time so we contacted our second person, because we only had one appointment last time, and he was still interested in serving so that's who we're recommending.

COMMISSIONER MAYFIELD: Okay. Great. Madam Chair, I still have a question but with that I would move forward with the appointment as recommended by staff.

CHAIR STEFANICS: Is there a second?

COMMISSIONER ANAYA: Second.

CHAIR STEFANICS: Okay. Thank you. There's a motion and a second. Let's take the vote then we'll take your question.

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

CHAIR STEFANICS: Thank you. Commissioner Mayfield.

COMMISSIONER MAYFIELD: Thank you, Madam Chair. Madam Chair, again, it was a question I guess, just looking at our Ethics Board and understanding what they're doing or arguably I guess they're not really even convening for a meeting because they don't have work and that's a good thing they don't have work, because nobody's doing wrong in the County. But with that being said I did have an opportunity to talk to Manager Miller and I talked to her a while back. With our financial disclosure statements and I guess the way that the ordinance was written, if the Commission could assign other duties to the Ethics Board, and I think Penny was going to look at that. I know Mr. Ross is out of town. I don't know if the answer was yes or no but I guess what I was getting at is I would like to see if there's an opportunity for the Ethics Board, and maybe it's going to be done through HR after discussion with Bernadette Salazar, that they can start looking at the financial disclosure statements just to make sure they're accurate.

An I don't want to say that they're not accurately filled out, but just to make sure that they're filled out and that there is some review of the financial disclosure statements. Because I think that they get filled out, aside from, say, the Commissioners that are publicly filed and on line that anybody could look at, and they just get filed with the Clerk's Office and there hasn't been any actual review of them.

MS. ELLIS-GREEN: Madam Chair, Commissioner Mayfield, I understand HR does review them, and then they are recorded in the Clerk's Office. Section 24.C of the ordinance states that the jurisdiction of the Ethics Board is limited to acting within the scope of matters covered in this ordinance. So I did ask Legal to take a look at that to see what would need to happen in order for additional duties to be assigned to them.

COMMISSIONER MAYFIELD: Okay.

CHAIR STEFANICS: Okay. Anything else, Commissioner?

COMMISSIONER MAYFIELD: No, just as long as those disclosure statements are being looked at. Thank you.

CHAIR STEFANICS: Thank you very much. Ms. Miller.

MS. MILLER: Madam Chair, I did want to clarify. What they are – HR actually sends them out to all employees to make sure that every employee does fill one out, and then they go through and review them for anything that appears on the face of their disclosure that might be a potential conflict within their existing position, and then the HR notifies the department director if necessary to review – to make sure that they know if there's at any point in the future some potential conflict that they would be removed from that conflict. And then they are sent to the Clerk's Office to keep on record for anybody to review at any time. So I just wanted to clarify, HR does actually go above what the ordinance requires. We do it in order to identify whether there could be any potential based on someone's position and work that they might do.

Additionally, employees come forward throughout the year if a conflict may come forward that isn't in their annual filing and they will revise it and bring that to HR's attention and put it in their records.

COMMISSIONER MAYFIELD: Sure. And Madam Chair, Ms. Miller, and I don't want to cause any concern, but I did look at some and I know that I asked to pull some

and look at them because they were not filed on our – I guess on our access portal and I guess there's a reason for it or not. But with that being said, looking at some of them, I saw – not that there's a conflict, and I'm not saying that there's any conflict, but there was non-disclosure on some of the questions. There was not even anybody filling out not applicable, and that caused me concerns if people are just leaving a question totally blank, but I would hope there is follow-up with why a question – at least somebody saying, look, this is a non-applicable question to me. That at least should be indicated. But if folks are just leaving stuff totally blank, that that needs to be followed through with. So that is one of the questions that I had, was that was at least being followed through with. But thank you for that.

CHAIR STEFANICS: Thank you.

XII. STAFF AND ELECTED OFFICIALS' ITEMS

A. Growth Management Department

- 1. Request Authorization to Publish Title and General Summary of Ordinance No. ___, an Ordinance Amending Article 3, Section 3.2 of Ordinance No. 2008-10 (Flood Damage Prevention and Stormwater Management Ordinance) to Adopt the New Flood Insurance Study (FIS) and Flood Insurance Rate Maps (FIRMs)**

VICKI LUCERO (Building & Development Services): Thank you, Madam Chair. In 2009 the Federal Emergency Management Agency initiated a process to revise the Flood Insurance Rate Maps and Flood Insurance Study for portions of Santa Fe County and the City of Santa Fe utilizing federal funds. On April 27th the City of Santa Fe and Santa Fe County held a joint kick-off meeting to discuss flood mapping issues to be included or addressed during the Flood Insurance Rate Map study process. During the course of the floodplain study process a series of meetings were held between the City and County of Santa Fe and an engineering firm selected by FEMA to do the study in which the firm provided updates on the process and gave staff the opportunity to identify any problems and/or discrepancies.

On February 18, 2011 the preliminary Flood Insurance Rate Maps were released by FEMA. Letters were sent out by the City and County to all property owners whose properties were affected by the revised FIRMs. On April 27th and 28th of 2011 the City and County held joint open house meetings to answer questions and provide information to the public regarding the impacts of the revised floodplain maps.

A 90-day appeal period began on August 11, 2011 for property owners or other entities who wanted to file an appeal or protest in regards to the revised floodplain maps. Several protests and appeals were filed and reviewed by FEMA. Upon resolution of the appeals and protests and finalization of the FIRMs and FIS a letter of final determination was issued by FEMA on June 4, 2012 which stated that the new Flood Insurance Maps and Study will become effective on December 4, 2012.

On August 21, 2012 Santa Fe County received a letter of official notification that we only have until December 4, 2012 to adopt a Floodplain Management Ordinance that incorporates the FIRMs and FIS.

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Recommendation: Santa Fe County Ordinance No. 2008-10 currently references the previous FIRMs and FIS dated June 15, 2008. The County is required to adopt the new floodplain maps in order to be in compliance with the National Flood Insurance Program. If the ordinance is not amended to reflect the effective date of the new maps Santa Fe County will be considered for suspension from the NFIP, which means that we will no longer be eligible for federal disaster aid or loans backed by the federal government. The only change from the current ordinance is the adoption of the December 4, 2012 FIRMs and FIS. Staff recommends that the Santa Fe Board of County Commissioners approve the request to publish title and general summary of Ordinance 2012-___. Madam Chair, I stand for questions.

CHAIR STEFANICS: Thank you, Ms. Lucero. My first question is, is there a deadline for us to respond?

MS. LUCERO: Madam Chair, well, if we don't adopt the new maps by December 4th when they take effect then we will be facing suspension through the National Flood Insurance Program.

CHAIR STEFANICS: So, Commissioners, we have – this has to be adopted before December 4th in order for homeowners not to suffer consequences. So, questions, comments? Commissioner Mayfield.

COMMISSIONER MAYFIELD: Just a quick question. Madam Chair, Ms. Lucero, is Santa Fe County affected by any of this floodplain ordinance with any of our properties including any County roads?

MS. LUCERO: Madam Chair, Commissioner Mayfield, are you referring to the updated maps?

COMMISSIONER MAYFIELD: The updated maps.

MS. LUCERO: Yes. There were maps that did affect properties within Santa Fe County.

COMMISSIONER MAYFIELD: No, not properties. Santa Fe County-owned properties. Our own facilities that are owned by this County Commission.

MS. LUCERO: Madam Chair, Commissioner Mayfield, I don't believe there were but I would have to go back. I'm not totally certain on that so I would have to go back and look at the individual properties.

COMMISSIONER MAYFIELD: And also any – and I'm assuming the answer to this is yes – any of our County roads.

MS. LUCERO: Madam Chair, Commissioner Mayfield, I don't believe any of the County roads were impacted. The new floodplain studies that were done changed the channel in certain areas. Some floodplain areas were decreased and some properties and roads were taken out. Other areas of the floodplain were actually increased in size so there were properties that were brought in that weren't previously.

COMMISSIONER MAYFIELD: So let me just ask a question. So then arguably half the arroyos up north that I live by that are actually a County road, those are not in the Floodplain Ordinance? Or they're not on the floodplain map?

MS. LUCERO: They could be affected by the new floodplain maps.

COMMISSIONER MAYFIELD: Well, that's just what I'm asking. Is the County going to comment on those or are we going to –

MS. LUCERO: Madam Chair, Commissioner Mayfield, we haven't at this point coordinated with the Public Works Department on that but we will have to coordinate with them. And that will be also part of the SLDC, as part of the rewrite on the floodplain section of the ordinance, of the code. We will coordinate with the Public Works Department.

COMMISSIONER MAYFIELD: Well, don't we have to get this, Madam Chair, Ms. Lucero, maybe Mr. Martinez is in the back. Don't we need to get these comments in at least from the County's perspective before we approve this or no?

MS. LUCERO: Madam Chair, Commissioner Mayfield, we'll make sure that we have those comments and that we've met with our Public Works Department by the end of the month when this ordinance would actually come forward, if you grant approval to publish title and general summary.

COMMISSIONER MAYFIELD: Okay. Thank you.

CHAIR STEFANICS: On that point though, if we have some County roads that are in the floodplain map, how does that affect us? Could we potentially have to shut down those roads? By the federal government?

MS. LUCERO: Madam Chair, I don't believe that that would be the case. Because currently there are County roads that cross through floodplains and they are in operation and functioning at this point.

CHAIR STEFANICS: And, Ms. Lucero, we've never had to – I'm sorry, Commissioner Anaya. I'll get to you too. We've never had to improve something because of a road being in a flood map?

MS. LUCERO: Madam Chair, I don't believe that the County has improved roadways for that reason. There are several County roadways with floodplains that they have to cross the floodplains and there has never been a requirement for the County to improve those. Not at this point anyway.

CHAIR STEFANICS: Thank you. Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, Mr. Martinez, Robert, did you have a comment you wanted to make on the previous comment?

ROBERT MARTINEZ (Roads): No.

COMMISSIONER ANAYA: Okay. Madam Chair, Vicki, what notification – I had a land use concern that came in that was directly in one of these floodplains. I don't remember if the owner was either in it before and not in it now or vice versa, but what has transpired associated with notification to people and are there going to be a lot of people that are surprised or put in a difficult predicament because this is occurring and they weren't aware of what was going to happen? And I understand there's requirements and we're trying to uphold those, but what did we do associated with outreach and mapping and notifications to people?

MS. LUCERO: Madam Chair, Commissioner Anaya, prior to the maps becoming finalized, when the preliminaries were issued back in February of 2011 the City and County both sent letters out to all the property owners that would be affected by the changes in the updated maps. And we did hold two open house sessions for the people, for the public to come in and get their questions answered and find out how that was going to affect their individual properties.

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COMMISSIONER ANAYA: Madam Chair, Vicki, how many affected parcels were we talking about? Were there hundreds? A few? Thousands? Do you know?

MS. LUCERO: Madam Chair, Commissioner Anaya, there were more people that were affected within the city limits than in the county. In the county I would say there probably less than 100 parcels that were affected.

COMMISSIONER ANAYA: So, Madam Chair, Vicki, we're still doing ongoing work and providing information and feedback to those individuals that were affected on an ongoing basis I would assume? On an ongoing basis?

MS. LUCERO: Well, Madam Chair, Commissioner Anaya, like I said, we notified the property owners and once the maps will finally go final on December 4, 2012. There was an appeal process for anybody who wasn't in agreement with the new studies and there were several appeals and protests submitted that were reviewed by FEMA and there was resolution on those ones that were submitted before they finalized the maps.

COMMISSIONER ANAYA: Madam Chair, Vicki and staff, I think having some type of simple explanation of what transpired might be helpful to you as you're taking in cases that come about in these affected areas to provide them information. But I don't have anything else, Madam Chair. Thank you.

CHAIR STEFANICS: Thank you. So we are – I need a motion to authorize publishing title and general summary.

COMMISSIONER VIGIL: So moved.

COMMISSIONER ANAYA: Second.

CHAIR STEFANICS: There's a motion and second to authorize publishing title and general summary.

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

XII. B. Finance Division

1. Resolution No. 2012-136, a Resolution Requesting a Budget Increase to the 2010B Series Capital Outlay GRT Revenue Bond Fund (338) to Budget Available Cash to Study a Means of Delivering Raw Water to Las Campanas When the Buckman Direct Diversion is Offline / \$35,000

MS. MARTINEZ: Madam Chair, this will establish a budget of \$35,000 for an analysis of alternative means to serve our customers at Las Campanas when the BDD is offline either due to burns or Los Alamos. And I'll stand for questions.

CHAIR STEFANICS: Thank you. This is a resolution. Let's go to the public. Is there anybody in the public that is here to speak on this particular resolution? Seeing none, Commissioners, questions, comments?

COMMISSIONER ANAYA: Madam Chair.

CHAIR STEFANICS: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, it's probably going to be Mr. Guerrerortiz that will address this but I know we've had discussions associated with this

decision. This has been one of the decisions that I've made that I've frankly struggled with and still do. What has transpired relative to the discussions with Las Campanas about reinstating their lines for the use of effluent, not taking into consideration what the City's going to do or not do or consider associated with even allowing them to utilize it, but what have they done to rectify their system to be able to use effluent, and what other alternatives have they done with their tanks and issues. I know they had one that leaked in their storage capacity. What things have they done to mitigate the issue even before we study our alternatives for delivering water?

MR. GUERRERORTIZ: Madam Chair, Commissioner Anaya, one thing that I'd like to start with for answering your question is we have to be careful when we talk about Las Campanas, there are at least three entities. The two water and wastewater co-ops respectively and the Club at Las Campanas. Our customers are the water co-op, to whom we sell drinking water, and that's a separate issue. The raw water customer is the Club and the entity that owns the facilities is the wastewater co-op. The wastewater co-op owns the line, the pipeline, the tank that you're talking about and the pump stations. And the ability to pump water from the City's wastewater treatment plant to the Las Campanas wastewater treatment plant which is owned by the co-op. As far as I know, the facilities, except for a connection between their wastewater treatment plant and the storage ponds of the Club, the facilities are in place and ready to operate. The impediments to operating that on a regular basis are more of a legal nature.

COMMISSIONER ANAYA: So, Madam Chair, Mr. Guerrerortiz, understanding the explanation of the separation of roles, has whichever the appropriate entity is taken appropriate measures to try and make the delivery system for effluent effective or plausible again, and have they taken appropriate steps to fix their storage capacity which I know they themselves presented that they had issues with? Have they moved to mitigate those issues even before we deal with this request that you have before us?

MR. GUERRERORTIZ: Madam Chair, as far as I know they have worked through the issues they have. They have the storage at the golf course and they have worked with the issues that they have with pumping. I don't know what other issues they may have, but as far as I know they have been working on those, the physical part of it.

COMMISSIONER ANAYA: Madam Chair, I don't know – here's comes the other Commissioner, but I would suggest that we have all five Commissioners available because I don't know that I have a comfort level today to go forward with this. But I appreciate the answers to the questions you gave me. Thanks.

CHAIR STEFANICS: Thank you. Commissioner Holian, we're on item XII. B. 1 so we're asking that all five people vote. Any questions? Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, Mr. Guerrerortiz, I'll ask this question. I did ask it at a BDD meeting and I'm grateful that we had that BDD presentation a little earlier with this map diagram on the back of that presentation. When I asked this question at a prior BDD meeting, why is the City of Santa Fe – and I understand that Las Campanas is now a customer – or Las Campanas not assisting in footing the bill for this raw water delivery. I'm going to ask that question of you if you have that answer. If not, Mr. Leigland is behind you so he might be able to answer that question. And Mr. Ross is not here.

MR. LEIGLAND: Madam Chair, Commissioner Mayfield, the problem is that Las Campanas is our customer so it is our obligation to pay for this. But we acknowledge that it is not 100 percent determined yet but in the spirit of expediency we felt that we needed to get this moving right away, because the goal is to get some sort raw water source, some sort of raw water supply, technical solution in place before May 1st. So we've been working very quickly. So we felt that just, as I said, in the spirit of expediency we needed to get something paid for now.

Now, if it's determined later on that it was not our obligation to pay, that if the City, if BDD, if the Las Campanas had some sort of obligation, and I think that would come more from Steve Ross' side then from the Public Works technical side then we would seek some sort of reimbursement. Luckily, our arrangement through the JPA with BDD makes the transfer of funds fairly straightforward. So that's the thought process behind getting this money allocated right away. I can tell you that the technical solution that we're pursuing is ongoing right now. In fact just about an hour ago I got an email from the City Procurement who are handling the procurement of these technical services saying that it's ready to go. They just wanted us to bless off the statement of work.

So that process is moving forward and so we feel that we need to get the money allocated to that very quickly.

COMMISSIONER MAYFIELD: And Madam Chair, Mr. Leigland or Mr. Guerrerortiz, and again, hindsight can be 20-20, but I'm just going to bring up the past. And I hate to do it but I am, because I do understand Las Campanas is our raw water customer right now. But I did have concerns with the use of well water regardless of what's going on with the City and the County and Las Campanas. And I do wish that this could have been looked at a little more and that past contract that we approved with Las Campanas, because I don't think we would arguably be here today if some of that was vetted out in that past agreement that this Commission approved.

But again, some of those questions that were asked a little earlier today, if there was a bigger scheme of things, or maybe if it wasn't exclusively for Las Campanas' use, that if we looked out how to provide raw water delivery for all Santa Fe County customers. That meant that we were able to take raw water for agricultural use throughout Santa Fe County. I know I've asked for that. Why can't we have a few different spigots along the way where people can just come in and become a wholesale customer, bring up their trucks and maybe we could take some down to the village of La Bajada. We could take it down to Commissioners' districts down south, up north, Canoncito, anywhere else, that I would hope that maybe we could look at this project being available to afford raw water to other areas that are beneficial along that trunk line.

I think I'm hearing from Mr. Martinez and your shop and respectfully Mr. Guerrerortiz' and your shop. Robert Martinez is having to figure out how to pay Pego, Mr. Guerrerortiz or vice versa money for raw water. And to me it makes no sense if we can't even get your road maintenance crew raw water delivery out of our own system. And I'm just going to ask: How does that work? Because I think that there's a bill that Mr. Martinez is having to pay right now for raw water. And why aren't we looking at I guess a raw water delivery system that's just not exclusive for the Las Campanas golf course?

MR. LEIGLAND: Madam Chair, Commissioner Mayfield, you brought up a couple questions so let me see if I can address them one by one. The first, let me stress that the technical solution we're looking at right now for the Las Campanas, if you recall from the BDD presentation, Erika talked about a discrepancy in the pumping rates between the total diversion and Las Campanas, so really the technical solution we're looking at now is just how to overcome that gap in the pumping speed or the pumping capabilities. And it could be just simply a matter of operating the pumps at a certain time and using a tank as a buffer. So we're looking at a very limited, most economical or optimal solution we can.

So if you want to expand that solution to look at providing a larger raw water delivery source I guess this is the time to do it, but it would increase both the cost of the design contract that we're contemplating and also the ultimate cost of the construction.

Kind of skipping ahead to talk about how we pay for water for our road construction and our road maintenance, we use water to spray the road to achieve compaction and also to get – that's the main reason we do it when we apply basecourse, and typically, his operations, he buys the water. Public Works has always purchased it as a raw water source. The reason we have to do this internal accounting is because the utility is an enterprise fund. So it may seem silly that one Public Works department is buying it from another but that is the case. Now, there is the case that in the past we've had to – the road people felt they were paying too much for the water they were getting from the utility, but actually because just last week we resolved that because it was just a mistake about the rates. So I think now, and Robert can correct me if I'm wrong, but I think we've resolved that to everyone's satisfaction so that we buy the water that we need.

Also, we've changed the way we're operating so we'll actually be buying less water for road projects in the future, because if you recall from our discussions from ICIP and CIP projects we're going to be doing less in-house construction and a lot more maintenance and our maintenance operations require less water.

So I think you brought up a really valid concern but I think we've already overcome that just by relooking at our rates, relooking at our agreements with the Utility and then changing some of the ways we've done operations.

COMMISSIONER MAYFIELD: And Madam Chair, Mr. Leigland, and again, I don't mean to be mixing apples and oranges here but I'm going to for a second. So where does Mr. Martinez with our Roads Department access his raw water from?

MR. LEIGLAND: Madam Chair, Commissioner Mayfield, I think – well, he can buy it from the bulk water dispensary which is down on Highway 14. I think that's the primary place that he buys it. And then we have a number of water trucks that we can truck it where we need to.

COMMISSIONER MAYFIELD: Okay, so going back to now if you all want to look at providing a pipeline for BDD raw water, are you looking at other points where maybe it's just not exclusively for Las Campanas, that we might be able to use this raw water for other wholesale customers, including Santa Fe County own departments?

MR. LEIGLAND: Madam Chair, Commissioner Mayfield, I don't think we really have that much use –

COMMISSIONER MAYFIELD: Excuse me, Madam Chair, Mr. Leigland, because nobody knows it's there.

MR. LEIGLAND: There's bulk water, and there's a bulk water dispenser, but that's dispensing potable water. We don't have too many uses for raw water that are beyond agricultural irrigation, and I don't think it's going to be too cost effective to truck irrigation water. I learned earlier today that a 33-acre field is going to use 33 acre-feet of water a year, and to truck that is going to be prohibitively expensive. Actually, we have a customer in District 3 right now who is complaining about having to truck 10,000 gallons a month of potable water. And so if you multiply that by ten, I don't think it's really cost-effective to be trucking raw water around anywhere. So if you're going to be delivering raw water you want to do it through a pipeline or through an acequia or through the river.

So we could put a raw water delivery point but I don't think we'd get much use to it. I think we'll be much better served by getting bulk potable water distribution points and then people can use that for people who don't have – who have marginal wells, for instance. For instance, down in the Lone Butte or San Marcos area or out on Ojo de la Vaca Road, for instance. These are places where bulk water that's still potable water, but a bulk water dispenser would be more useful.

So I don't think that too many people are going to be interested in trucking raw water. I guess you could use that for watering your horses for instance, but at that point you might as well just use potable water. We charge one cent a gallon for bulk water dispensed, which is actually very competitive with all of our normal service.

COMMISSIONER MAYFIELD: And Madam Chair, Mr. Leigland, again, so if you know – and maybe you don't know, so now that we're doing this new construction on Caja del Rio Road and also the 599 overpass, do you know where they're buying their water from? Is it from us? Is it – for that road construction project?

MR. LEIGLAND: Madam Chair, Commissioner Mayfield, that's a great question. I don't know where either one of those people are buying their water, but I could find out.

COMMISSIONER MAYFIELD: I guess it's not important, but kind of if it was right there, if there was a distribution point right there it would be pretty convenient. I guess that's just my point. If we had a distribution system where there is potential construction going on, road project constructions, that was exclusively or not exclusively for anybody's use, if there was just the availability for this water to be used.

MR. LEIGLAND: Madam Chair, Commissioner Mayfield, Randall buys his water from the City, Randall Kippenbrock from the Solid Waste Management Authority, and what he does is he has a meter and he hooks up to an existing City hydrant, and he fills his trucks that way. And then he submits those meter readings to the City and that's how he's charged. So that's probably a better way to serve, is just to have special meters to get the contractors and hook up off existing meters.

COMMISSIONER MAYFIELD: Thank you. And I guess, Madam Chair, Mr. Leigland, back to this one point, you indicated though tech specifics with the pumping speeds and I've talked with some folks. The BDD, arguably their engineers or how those pumps are manufactured, they may have a different argument of, I guess, and I'm not an engineer, but the velocities that those things can run at. You all or Las Campanas folks may have a different position of what they can run at, so who's going to be right or wrong if the speeds that those can be run at?

MR. LEIGLAND: Madam Chair, Commissioner Mayfield, that's a great question and that is why we actually hired the firm that designed it to give us a technical solution.

COMMISSIONER MAYFIELD: So, Madam Chair, Mr. Leigland, maybe that's my point. We spend \$35,000, \$25,000 to do that and we come out and they say, yes, it can be done here or not, then the BDD, it's going to have to go back to the BDD board and the BDD board is going to say, yes, do this or don't do this? How is that going to work if it is within manufacturer's specifications, or if somebody says, well, yes, you guys can do this but it could potentially void the warranty or something.

MR. LEIGLAND: Madam Chair, Commissioner Mayfield, a few answers to that question. First is we don't anticipate any changes to the BDD pump. In fact the idea is to see if we can change the Las Campanas side. And second, we're doing this in a fully collaborative method so that the BDD staff, the City staff and County staff are all going to be apprised of what the solution is. So there shouldn't be any surprises. That's one of the advantages of using the contract vehicle that we are using. Not only is it the firm that designed it but it's a BDD contract, and so they're going to be party to it from the beginning.

So I think – you heard from BDD that we're working collaboratively, and I believe that as well, so I think that there shouldn't be any surprises. Everyone should have a say. I totally agree with that everyone who is involved in the decision as a stakeholder should be involved in the arrival at the solution. And I think we're on that path.

COMMISSIONER MAYFIELD: Sure. And Madam Chair, Mr. Leigland, I think it would be great if we could get raw water exclusively for their use, but you did mention Manager Miller might be working with – and I shouldn't say that. I'll say it like this, but this is how I understood it. Working with talking to the City as far as sending them a request that they start maybe paying for this. Is that how I understood it?

MR. LEIGLAND: Madam Chair, Commissioner Mayfield, no, I said that if it's decided that some other group is supposed to pay for it they can reimburse us for this particular item before you at a later date. We felt in the spirit of expediency we needed to get it paid for now, but above me, at Legal, at the Manager level or even at your level it may be decided that someone else is responsible but we felt like we needed to get the contract moving before that issue is resolved.

COMMISSIONER MAYFIELD: And Madam Chair, Manager Miller, how long would that take if you could go that route?

MS. MILLER: Madam Chair, Commissioner Mayfield, I think it's really a bigger issue relative to what the Commission would like to do in reference to our water resources agreement. In our water resources agreement it states that the City will not unreasonably withhold a request for a point of delivery. We currently have two requests in, the one being the meter that was previously used for Las Campanas and we were given an interim timeframe to use that. And then we have another one. They are withholding them so it really is a breach of that agreement and it's whether or not what direction the Commission would like to take relative to that. We have notified them in writing that we do believe they need to provide us these delivery points per our agreement. And so that's really what it comes down to is to what action we'll be taking because that's the reason for this issue. I mean it's the urgency of this issue.

COMMISSIONER MAYFIELD: Okay. Thank you. Madam Chair, that's all I have. Thank you.

CHAIR STEFANICS: Thank you. Commissioners, one of the reasons I'm supporting this is that the County needs to get to an independent point from the City and I know that there are mixed feelings about the particular project that has been discussed by in terms of us being in control of receiving our water I think we need to move ahead. Is there a motion or any further questions or discussion?

COMMISSIONER HOLIAN: Madam Chair.

CHAIR STEFANICS: Commissioner Holian.

COMMISSIONER HOLIAN: I move for approval, and I too feel that this is something that we need to move forward on creating a solution for now, and when you look at it it really isn't all that much money, \$35,000, and I think that we just need to move forward, solve the problem and then look into possibilities for reimbursement, depending on what the legal issues are.

CHAIR STEFANICS: Thank you. Is there a second?

COMMISSIONER VIGIL: I'll second it.

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

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR STEFANICS: Yes, Commissioner Mayfield, then Commissioner Anaya.

COMMISSIONER MAYFIELD: And Madam Chair, just what Commissioner Holian said, it's \$35,000 to do a study but that study could say that it costs \$500,000 for the fix, right?

MR. LEIGLAND: Madam Chair, Commissioner Mayfield, that's exactly right.

COMMISSIONER MAYFIELD: Okay. Thank you.

CHAIR STEFANICS: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I appreciate your comments and the comments on the issue and I think it's something that we're going to continually have dialogue on and build our work within the Utilities Department regardless of the outcome of the vote. I do have a question on water use that we're selling – the bulk water. Annually, if you equated the amount of water we're selling to anybody that comes to our station there. Is it just the one station that we have or do we have multiple stations?

MR. LEIGLAND: Madam Chair, Commissioner Anaya, just the one down by our Public Safety Complex.

COMMISSIONER ANAYA: How much revenue do we make annually from the bulk water we sell?

MR. LEIGLAND: Madam Chair, Commissioner Anaya, \$59,000 a year.

COMMISSIONER ANAYA: So Madam Chair, I want to offer as part of our evolution of thought and development or our utility, we spend – we garner \$59,000 from the sale of bulk potable water, correct? And we're looking at spending \$35,000 to evaluate how we might be more effective about delivering water to our client, to Las Campanas. I would ask as a discussion point, and I know, and I appreciate, Mr. Leigland, that you brought it up,

the individual in District 3, because it's not just an issue of District 3 and that individual, I think it's a matter of encouraging, in my opinion, those people in distressed areas with distressed wells and Highway 14 is absolutely one of those areas, to haul water.

I absolutely think that it's positive on our part if we reduce the rate even further to further encourage people to haul water. I appreciate it that you brought it up but you used the word competitive. I'm not picking on you but in that case and given the amount of revenue we're generating, I would even say even if we took a loss on the sale of bulk water, that that's actually helping those people in those distressed areas and that might be a good thing. So I appreciate you have it on the radar and we're having those discussions but I would just offer as we go forward and are having the discussions that we seriously consider as a Commission reducing it even further. Because it helps, in my estimation it helps those individuals that are in my review and analysis taking a progressive proactive approach to using less water out of their groundwater. So I think we need to continually analyze that and I appreciate the work and the discussions that have taken place thus far. Thank you, Madam Chair.

COMMISSIONER HOLIAN: Madam Chair.

CHAIR STEFANICS: Thank you. Commissioner Holian.

COMMISSIONER HOLIAN: I'll just make a comment. I think it makes sense to haul bulk potable water, because potable water is not all – well, it takes time and money to treat it and so on and so forth. But I don't think it makes sense to haul raw water at all. Water is – and I share your concerns about water for agriculture and I believe that this is something that we need to think about in our water plans for the future, but hauling water is extremely expensive in terms of money and energy that it uses. So I think in fact the glaring thing that's missing from our water plans is how to do land restoration so that more water is soaked into the ground. The ground, by far, when you do any reading about water conservation and so on, the ground is the very best place to store water. And right now, we have a problem in the fact that we've created so many hard surfaces, we have so many arroyos, that essentially 95 percent of the water that falls on our county evaporates before it waters a single plant or anybody gets a drink out of it or uses it for anything. It goes directly back up into the atmosphere.

The great thing about water, I think the really strong point about water, and this is important to keep in mind, is that it can be used over and over and over again. The amount of water we have on this planet right now is about the same as what we had four billion years ago, interestingly enough, which is when this planet got going. And life has used it over and over and over again. And so I can't help but thinking our water problems have to do with how we use water rather than how much water we have. So we need to think a lot more about how we make sure that as much water as falls onto this state is entrained into the ground, becomes part of our aquifer, waters plants.

So just transporting raw water around is in my opinion an expensive and energy-inefficient way of doing that.

COMMISSIONER ANAYA: Madam Chair, on this point.

COMMISSIONER MAYFIELD: Me too, Madam Chair.

CHAIR STEFANICS: Yes. Were you finished, Commissioner Holian?

COMMISSIONER HOLIAN: Yes.

CHAIR STEFANICS: Okay. Commissioner Anaya, then Commissioner Mayfield.

COMMISSIONER ANAYA: Yes, and Madam Chair, Commissioner Holian, I appreciate the comment and your perspective, and I guess relative to – I want to talk specifically to Highway 14 as one glaring example, that both myself and Commissioner Stefanics represent. They have and have had for some time a groundwater crisis. There is no other way to articulate it; it's a crisis. And as we talk about long-range planning, and I know Commissioner Stefanics has brought it up publicly. I know I've brought it up publicly. Number one is that we figure out how to get our utility down Highway 14 long term to serve that area.

In the interim of doing that, by giving the people that are hauling water – and there's a lot of people that are hauling water that are conscious about the water they're extracting from the ground from their own well, that we put them in the best possible position because it is expensive. And that's exactly what the individual from District 3 is bringing to bear and for us to analyze is that he's willing to haul the water at his expense to offset what he's pulling from the ground, and in that scenario, in that particular area, I think it's in our best interest to make sure that he's paying the lowest possible rate that he possibly can, and that we don't take that \$59,000 figure and use it as some potential tool that we're going to be solving the budget gap with. And that's all. So I think there's quite a bit more agreement between us than there is disagreement and I just hope that we continue to look at the issue and the discussion.

The raw water aspect I think is broader than the actual transport of it, but how might we recharge an aquifer? How might we put a water in a waterway like the Santa Fe River, which I think does have a positive effect if we plan it through and we have a good discussion that involves the community. But I appreciate the comments of my colleague on the issue and the immediate short term item I'm trying to address is just help these people out that are taking the progressive, proactive step to haul water. Thank you, Madam Chair.

CHAIR STEFANICS: Thank you. Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, that's fine. I think I'll just pass right now. Thank you.

CHAIR STEFANICS: Okay. Thank you. We have a motion and a second to approve Resolution No. 2012-136 requesting a budget increase to the GRT capital outlay revenue bond fund to budget available cash to study a means of delivering raw water to Las Campanas when the Buckman Direct Diversion is offline, for \$35,000.

The motion passed by majority 3-2 voice vote with Commissioners Holian, Vigil and Stefanics voting in favor and Commissioners Anaya and Mayfield voting against.

SFC CLERK RECORDED 11/15/2012

XVII. Public Hearings

A. Growth Management Department

- 2. CDRC Case # V 12-5150 Victor & Patsy Roybal Land Division Variance. Victor & Patsy Roybal, Applicant's, Request Approval for a Land Division of 1.56 Acres Into Two Lots. This Request Also Includes a Variance of Article III, Section 10 (Lot Size Requirements) of the Land Development Code to Allow Two Dwelling Units on the Proposed 0.08 Acre Lot. The Property is Located at 38 La Joya Road, within the Traditional Community of Glorieta, within Section 2, Township 15 North, Range 11 East, (Commission District 4) (Vote Only)**

CHAIR STEFANICS: We are now going to jump to XVII. A. 2 so we can finish the land use case that had a tie vote and I would entertain a motion. This is CDRC Case #V 12-5150 land division variance. There is no public hearing. There have already been two public hearings. This is only a vote.

COMMISSIONER ANAYA: Madam Chair.

CHAIR STEFANICS: Yes.

COMMISSIONER ANAYA: Madam Chair, I said this at the last meeting and you weren't present but I believe what staff did was go verify the documents as we requested and as you requested. I think they've done what's been asked of them and their case is similar to several other cases that we've approved. I would move for approval.

COMMISSIONER MAYFIELD: Second, Madam Chair.

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

The motion passed by majority 3-2 voice vote with Commissioners Holian, Vigil and Stefanics voting in favor and Commissioners Anaya and Mayfield voting against.

CHAIR STEFANICS: It's two in favor, three against, the variance dies. So the land use case goes back.

COMMISSIONER VIGIL: Madam Chair.

CHAIR STEFANICS: Yes.

COMMISSIONER VIGIL: I have a question for Rachel. Rachel, do we need to put anything on the record with regard to the vote in terms of why the variance was not granted?

RACHEL BROWN (Deputy County Attorney): I think you've had your discussion and generally you don't – when the motion is made you just state –

COMMISSIONER VIGIL: Right. I just wondered if during the discussion there was sufficient information for the findings of fact.

MS. BROWN: I think so.

XII. C. Community Services Department

1. Action to Approve \$395,000 for Supplemental Sole Community Providers

RACHEL O'CONNOR (Health and Human Services Director): Madam Chair, members of the Commission, if you can recall two weeks ago at the Indigent Health Care Board staff brought forward a recommendation for funding for the supplement sole community provider. At that time the recommendation was \$295,000. At your direction, Madam Chair and members of the Commission, the Finance Department was asked to go back, relook at the budget and bring forth a second recommendation which is contained here today at \$395,000.

Madam Chair, just one last point to that. There was some discussion at the last meeting about the hospitals seeking alternative funding from other sources that could potentially be matched. We had some discussion at the Human Services Department. We were directed at the Human Services Department that the hospitals are able to pursue that but they must do so on their own, and that must be certified by any entity that would be putting up match and not through the County. Thank you.

CHAIR STEFANICS: Thank you very much. Yes, Commissioner Vigil.

COMMISSIONER VIGIL: Rachel, with regard to that, do you know if St. Vincent's is pursuing other avenues for funding?

MS. O'CONNOR: Madam Chair, Commissioner Vigil, I had heard initially that there were some discussions with the City but I have not heard of anything that has come forward from any other entity other than the County.

COMMISSIONER VIGIL: Okay. It would be helpful, at least for me because I've been in support of this for quite some time, to find out if they're doing that because my experience has been they've just for the past eight years that I know of have just come to the County. And knowing that they had other options has never been something that St. Vincent's Christus has pursued. In a way, that places a larger burden on the County when they actually have alternatives, and in particular when they can look at other hospitals, other areas that support the sole community provider within the region. So I don't think I'm going to vote on this until I know that but I know that there's probably a deadline you have to work with. I would prefer to have a comprehensive view of what it is St. Vincent's is doing because again, I'm feeling like they asked us to give them more money, we found it, we gave it to them but they still haven't taken the initiative to go out and get more matching funds. And that's my concern.

CHAIR STEFANICS: On this point, I sat in a meeting with the director of the hospital, Alex Valdez, when we were notified that it was not up to the County to solicit; it was up to the hospital to solicit. He indicated that he was going to solicit from some of the cities that had not been providing any money, meaning Santa Fe City and the City of Espanola. Los Alamos is a combined City-County representative, and the chair of the County Council in Los Alamos did contact me to indicate that he had asked for a larger amount for the supplemental. So I do know that he approached Los Alamos County Council for a larger amount. They inquired what we thought we were going to do. I let them know the amount

that was on our agenda for today. The meeting was – I could look at my calendar. It was at the Human Services Department. It was September 27th, a Thursday.

COMMISSIONER VIGIL: Madam Chair, just a question if we could delay action on this until someone actually makes a phone call or talks to Mr. Valdez on this. Because I know at our last Health Board meeting he made a good faith effort to tell us that that is what he intended to do. I just wanted to know if there was any follow-up with that. Do you know?

CHAIR STEFANICS: What is our deadline?

MS. MILLER: Madam Chair, [inaudible] was actually September 30th. What HSD said though is that they would allow us until tomorrow. Their deadline, getting a check and everything is the 19th. Now, what they did say is they'll probably still have an allocation throughout the year and if St. Vincent's or other entities are successful in finding other funding they probably would still be able to access it, but as far as us giving them a specific amount, they extended it for us specifically for you to address it at this meeting because of what you had asked at our last meeting, but they did tell us that that was their deadline and for them to get their paperwork done, that's why they had established the September 30th deadline, but they would give us because we told them roughly the numbers we were working between was St. Vincent's request of \$600,000 and the number that we had recommended last meeting, which I think was \$295,000, that that's the range we were working in.

We also asked them about other entities and they said the issue – they didn't believe that other entities would have time to go through the full allocation and certification process. So this particular allocation, and that it wouldn't come directly from us; it would have to come from them. But if St. Vincent's or other hospitals were successful in getting allocations from other government entities it was likely that they would be able to access that supplemental later in the year.

COMMISSIONER VIGIL: Okay.

MS. MILLER: So that was kind of their overall – they couldn't commit to it but they thought some of it would still be available based on the amount allocated to the whole.

COMMISSIONER VIGIL: But I guess my concern is not disincentivizing. I don't want to disincentivize them to pursue that because their concern is always wanting more matching dollars, asking the County for those, when they have other alternatives to do that. So if we are meeting those deadlines, and I'm perfectly happy to support this, but I would like an update with regard to what other sources are going to be supporting this, perhaps at our next Health Board meeting.

CHAIR STEFANICS: Okay. Can you do that? Okay, so is there a motion?

COMMISSIONER HOLIAN: Madam Chair, I have a question first.

CHAIR STEFANICS: Yes.

COMMISSIONER HOLIAN: Rachel, it says here that the \$395,000 will benefit all three hospitals. Do you know how much would go to each?

MS. O'CONNOR: Madam Chair, Commissioner Holian, I believe that \$380,000, approximately \$380,000 is slated to go to St. Vincent's, and \$15,000 to be broken up between the other two hospitals.

COMMISSIONER HOLIAN: Thank you. Madam Chair, I'll make a motion for approval.

COMMISSIONER MAYFIELD: Second, Madam Chair.

COMMISSIONER ANAYA: Madam Chair.

CHAIR STEFANICS: Yes. We have a motion and a second. Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I think this is a big deal. I think the staff went back and analyzed what might be available to augment the recommended amount, which staff did, which is a net gain of a three to one match on that \$100,000 increase, which is a direct increase in benefits to the community. So I appreciate and applaud the staff in doing the scrubbing as we discussed and bringing this forward. Thank you.

CHAIR STEFANICS: Thank you. Any further comments, questions?

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

XII. C. 2. Resolution No. 2012-137, a Resolution Requesting a Budget Increase to the Indigent Hospital (GRT) Fund (220) and the EMS Hospital Fund (234) to Budget Cash to Fund Supplemental Sole Community Provider Payment / \$345,000

CHAIR STEFANICS: This is a resolution. Is there anybody in the audience that would like to speak on this resolution? Are there any questions from the Commissioners for Ms. Martinez? Is there a motion?

COMMISSIONER VIGIL: I'll move to approve.

CHAIR STEFANICS: Is there a second?

COMMISSIONER HOLIAN: Second.

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

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

XII. D. Public Works Department

1. Update on Aamodt Data Collection and Analysis Task From Resolution 2012-53

CHAIR STEFANICS: Some people might wonder why I read everything out and the numbers, we have people on the radio and people watching through web that would like to know how this corresponds to the agendas that they're looking at. So let's please remember that we're speaking to many more people.

MR. LEIGLAND: Madam Chair, Commissioners, I'm going to be referring to some of the packet material so I just want to make sure that you have the four handouts that were included in the packet material. There are two maps of the Aamodt settlement area. There's a spreadsheet that's a demonstration of the demographic analysis. I know it's a bit of an eye chart but I'll walk you through it. And then the last attachment is just a current water our utility's current water rates.

In April this Board passed Resolution 2012-53 which accepted the amended settlement agreement but it also told staff to undertake a data collection analysis effort and to remind the Commission under this settlement agreement, non-pueblo well owners or non-pueblo landowners within the settlement area will not be required – they're not mandated to connect to the regional water system once it's built. They will have the – it will be voluntary. If they do volunteer to do it there will be some actions with regard to their well and if they don't, if they simply choose not to hook up to it they will also have to limit their use so there were some repercussions. But many people, many non-pueblo users felt they didn't have enough information with regard to costs and other things in order to make an informed decision.

So the purpose of this data analysis effort was to help answer some of those questions. So what I'm giving you today is sort of a halfway through point on the data collection effort and I think maybe we've answered some of the easier ones. Also the Bureau of Reclamation is very interested in this because they would like some of the answers to help inform – they're the project manager for the entire effort. They're interested in some of our answers to help with the EIS process and also during the design and construction.

So what I'm going to talk to you today about are the service map and the timeline, the existing demand estimate, future demand estimate, rural character, density considerations and the financial and capacity analysis and recommendation. And these are some of the tasks in the initial resolution.

So the first map that I gave you is of the service area. It's called Attachment 1. And that just shows you, and recall this on the [inaudible] map because what it shows in purple lines around the settlement area broken up. And this is under the current schedule under the Bureau of Rec. This is both the service area but it's also the schedule of construction. Now, the construction is going to be done in phases and once each phase is complete, that phases will be completely operational. So the system will march, if you will, from the point of diversion near Otowi Bridge down toward Nambe and then down toward Tesuque and each phase will become operational. So the Bureau of Rec at this point estimates that the entire project will start in October 2017, construction will start in October 2017, and that the San Ildefonso will be complete two years after that, so they will have their water system by 2019. And then it will move to Pojoaque and that will be done two years later, then Nambe two years after that, and then finally, Tesuque and Bishop's Lodge will be done by February 2022.

So that's kind of the timeline of construction right now, so the San Ildefonso will have water under the current schedule by 2018 or 2019 and then the last people to receive water will be the Bishop's Lodge extension. That will be in 2022. So that's both the service map and the timeline.

There was a question about integrating with existing County utility and by integration we looked at two things – physical integration, which is physically interconnecting the two systems. We believe that makes sense. That interconnection will have to happen at the Bishop's Lodge point and which would really be interconnection with the City system, but as you all know, the City and County systems are intertwined, so really the interconnection with the County system means interconnection with the entire metropolitan system. And the reason I mention that is because I think based in part on all the discussions we're having with

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the City right now it's probably too early to make any definitive statements about physical integration, but I think it is desirable from the operations standpoint, just for robustness.

Actually, the version that's being planned for the Aamodt system will be a different technology from the one that's on BDD so there could be opportunity if one diversion is not working, the other one is working, then there could be backflow. That's conjecture at this point but that's the sort of thing that a physical integration would be good for.

A second form of integration would be what we call organizational or operational integration, and by that we just mean that this regional water system will be operated the same as our County utility now. Same operating procedures, same customer service policy, same rate schedule. There will be a joint powers authority that manages this regional water system, similar to BDD and it will be comprised of members of each pueblo and the County, but under the current agreement, the actual day to day operator of the system, the project manager if you will, will be the County. So much as the City operates the BDD the County will be operating the regional water system. So for non-pueblo customers of the regional water system it will be as if they are County customers. So they will have the same rates, the same policies. So that sort of integration is already being planned.

There was a question about customer costs but if we make the assumption that the customers are the same as other County customers we can assume they will be paying the same rates. Right now, the average County customer uses about 5,300 gallons of water a month and that comes out to \$600 a year under our current rate structure. So we assume that the regional water system, non-pueblo customer will be the same. So we're estimating that they should expect to pay under 2012 dollars \$600 a year. Of course that will be inflated, so that's what we're estimating for current costs.

The task asked us to look at future demand estimates and this really gets to the core of the exercise. Under the Aamodt agreement as I mentioned no non-pueblo customer is going to be mandated to hook up so it's in our interest to find out how many people will voluntarily hook up. So the first thing we did is just looked at the basic population and did demographic analysis. So that – if you turn to the second map that doesn't have the blobs but it has some call-outs talking about the sub-areas, the yellow blocks on that are the pueblos and the pink parcels on that – all those pink areas are the non-pueblo-owned parcels within the settlement area. So that is what we considered our basis of analysis. That's the potential maximum customer base. If every single one of those parcels decided to hook up to a regional water system that would be the maximum number of customers that we could have.

So we confined our analysis to the pink parcels. There are other communities within the settlement area, within the Pojoaque Valley we excluded from analysis because they are too far away from the regional water system to be economically viable. We'd love to give water, for instance, to Chupadero, but since that would be 100 percent County built it's prohibitively expensive to run a water line up the 592 up to Chupadero. So that's why they're not a pink parcel on this map.

So we confined our analysis to the pink parcels and we looked at the demographics of those customers. So currently, in 2012 there are 3,017 households on those pink parcels. So right now we have about 2,000 potential customers. By the year 2022, which is when the system will be complete, that number will have grown to 3,400 households. So we'll 400 new

households over those next ten years, and then by the year 2040, which is 30 years from now our planning horizon, you should expect to see 4,030 households. So what that means is by the year 2040 there will be 4,000 potential customers of our system. So that's sort of our potential number of potential customers. Our job is to find out how many of those potential customers become actual customers.

So one of things they asked us to look at, kind of jumping ahead a little bit, is the rural character and density considerations. There was a concern in the Pojoaque Valley that in order to come up with an adequate customer base we would have to really increase density in that area. So say, for instance, our analysis shows that we needed 10,000 customers. In order to achieve that we would have to relax – we would have to increase densities. But our analysis showed two things. One is that under current density policies the ultimate number of households in the area, the build-out number if you will, is 7,400 households. So under current policies now, 7,400 houses could be built, which is twice what we expect by 2040. In fact the demographer thinks we won't see that number of houses until the year 2135.

So that that means is there is a more than adequate number of potential customers – at least we think there are more than enough adequate customers under current land use policies. We won't have to increase density. We don't have to worry about a large amount of land going out of development through conservation easement. We think the current land use policies will support a good customer base.

So the next thing we want to look at is if we have 4,000 potential customers is that enough to support a viable utility? And when I say a viable utility in which the rates alone can pay for the operations, maintenance and replacement costs. We're lucky in this case that the capital costs are being incurred by someone else, so we can confine ourselves to operation, maintenance and replacement costs, what we call OM&R. In 2008 an engineering firm was hired by the pueblos to examine that among other things and they estimated that the non-pueblo portion of the system, operations costs will be \$700,000 a year. Of course the pueblo portions will have to pay their own. It will be a split cost just like BDD. It will be some sort of cost sharing, but the non-pueblo portion will be \$700,000 a year.

So if we assume that the customers pay \$600 a year and that customer base has to cover \$700,000 a year, that means that we have to produce 1,300 customers to be viable.

So what that shows you is that – excuse me, 1,200 customers. So if we have 1,200 customers out of a potential by 2022 of 3,400 customers, that means we have to have approximately a 33 percent sign-up rate, a 33 percent subscription rate. And actually, it becomes a little more – so in my mind that seems a reasonable number. Of course we have no idea how many people will sign up. I've heard numbers from as low as three percent to numbers as high as 50 percent estimated to hook up. We won't know for a while, but at some point we will know because every single customer has to sign an affidavit with the federal court saying what they will do. But until we have that data I think the numbers say that we'll probably be okay. And actually I think if we look at the fact that the new County code and our new water ordinance are going to make some – are going to require people to hook up if you're within a certain distance of a water line, our new codes will say you're going to be mandated to hook up. So that means that people in the settlement area today will not be mandated, but if someone moves in there five years from now, a new person develops a new

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lot they will be required to hook up to the water system if the water system is within a certain distance of their property.

So we ran an analysis of all the new developable parcels that are within 300 feet of the projected water line and that number is 85 percent. So 85 percent of the developable property is within striking distance, if you will, of the water system, so we consider those guaranteed customers, because we will probably tell them that they have to hook up. So that's another 350 guaranteed customers right there. So we estimate that really we only need to come up with 800 customers.

Depending on data on how many people will hook up we think that the ratio, essentially 800 out of 4,000, 850 out of 4,000 seems to be a pretty reasonable expectation of people wanting to hook up.

So the next steps in this data collection are looking at water quality and fire protection. There's definitely fire protection. It will add – I want to say complications but sometimes the water line for fire protection may be the governing variable; sometimes it won't. And then water quality. We surmise that the main reason people will want to hook up to this who are on a well, one reason is they don't want to have the trouble of managing a well anymore, but maybe they have a well of marginal quality – it's not producing or it has marginal quality. These people will want to hook up. So then what we'd want to do is analyze areas that have known water quality or quantity issues and target them.

The other thing we need to do is identify areas that we can right away say yes to customers areas or not because we need to start making some design, some alignment decisions. We have a projected design that was done in the 2008 HKM report and I think, based on what I just told you today that that's a pretty good system. I don't think we're going to have to do too many deviations to try to capture customers in the non-pueblo system, but we still have some data to do.

And then also the resolution asks us to look at some governance which is still ongoing, and then also some water rights assessment. So those are three things that will be coming in a future report. So with that I will conclude and I will stand for any questions.

CHAIR STEFANICS: Thank you very much. Questions, comments?

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR STEFANICS: I know somebody came for a public comment. If we can do that first. So, Paul, why don't you come up. Is there anybody else that wanted to make any comments on this? Okay. And just identify yourself for the record.

PAUL WHITE: Hi. My name is Paul White. I'm from Chupadero and I would just like to say, and given Adam's presentation, we in Chupadero would love to hook up to the County water system but unfortunately it's not going to come up our way and I believe the County is going to try and help us out in Chupadero with our water system. But regarding the projections that Adam has mentioned regarding hookups, other than Chupadero, I really don't know about very many people that are looking forward to hooking up to the water utility. So I have concerns about the viability of the system.

We did – I'm on the board of the Pojoaque Basin Water Alliance and we did a poll previously that showed about two percent of the people that we contacted, I believe it was 250 people, were interested in hooking up to the system. As far as the growth numbers, we

aren't seeing a lot of growth in the Aamodt area. There's very little growth. I think that whatever the statistics that the County has been looking at are probably old figures or old demographic studies that really probably don't apply right now or possibly into the future.

So I have concerns that this would – the projections that Adam has for this being a viable system are questionable. I would like to recommend that the County consider knocking on people's doors and actually finding out who's going to hook up and who isn't and of course people will have the opportunity when they sign the settlement to decide whether they want to hook up and that should help us out some, but nevertheless, the people, the landowners that Adam mentioned and the people who are potential customers, I would like the County to do a little bit more than just make projections and wishful thinking as far as this being a viable system. I don't think we want to find ourselves in a situation similar to the Buckman where we continue to subsidize something for decades and don't have a clear plan for how it could work.

I also have concerns about what Adam mentioned regarding hooking up with the City. A two-way system over at the Bishop's Lodge, I believe that the settlement basically stated that the water would remain in the basin for the settlement and I think there's something Danny, Commissioner Mayfield, might have looked into this, but I'd like some clarification whether that water can be exported out of the basin or if it's just a temporary situation where the water can be exported during certain periods when it's not being used by the County. So if that's the case then that's a legal issue and it also might be more than just an issue for the Aamodt settlement. It might have repercussions with the interstate compacts that we have.

I'd also like to mention – and I'm not going to be able to stay – so I'd just like to say something about Commissioner Holian mentioned that we should look into water capture and revitalizing the underground aquifer. At one point I had spoken with Jack Kolkmeier and Laurie Trevino about a large-scale surface capture project that we were talking about that could actually be a pilot project that the County could consider for capturing water and water that would not normally make it back down to the aquifer or to the Rio Grande River. And I'd like the County to possibly consider that as a pilot project of how we can capture water that would normally evaporate that could be lost. I think it's a very good idea.

The final thing I'd like to say is even regarding Aamodt and extending water out to Eldorado or other parts of the County, my concerns are that there are, there is upstream and downstream litigation. There can be priority calls on the San Juan/Chama water, our native water, and there needs to be water reserved for environmental issues. I think that this is an issue that seems to be missing in the code. It seems to be missing in the plan and it's a larger issue that if we keep climbing out on this limb for development purposes without contingency planning that we might end up in some trouble. It might be ten, 20, 40 years down the road but we need to consider the larger picture at this point. So thank you very much, Commissioners and Madam Chair.

CHAIR STEFANICS: Thank you, Mr. White. We are now on discussion or questions. Yes, mm.

COMMISSIONER MAYFIELD: Thank you. Thank you, Mr. Leigland for the presentation. Mr. Leigland, a couple questions. You said some of your projections or the amount of customers that will hook up to the system and I appreciate those projections, but

are you also projecting when they will hook up? Are those based in your projections? Because we're not going to have a full capacity of hookups right away. How far have you projected out your capacity of your hookups? What did you say? Help me with that number again.

MR. LEIGLAND: Madam Chair, Commissioner Mayfield, we think that – we estimate that we'll need about 1,200 customers to be viable.

COMMISSIONER MAYFIELD: And what are you looking at the timeline to bring those 1,200 customers on?

MR. LEIGLAND: Well, that's difficult to say, and actually you bring up a good point, because there was definitely a time element to when they will.

COMMISSIONER MAYFIELD: You're already projecting 2019 just to get it to San Ildefonso, I think.

MR. LEIGLAND: San Ildefonso will come on line in 2019. So I think that two things help us in this regard. One is that for a certain number of initial customers their hookup fee will be waived, but that money won't last forever. So I think that really once people who do decide to hook up, they're going to hook up almost immediately because they're going to want to avail themselves of this free money to hook up. So we've reserved money – our normal hookup fee is \$2,500, so we have money reserved to waive that for the first number of customers who decide to hook up.

COMMISSIONER MAYFIELD: Madam Chair, Mr. Leigland, before I lose that point. Let's say somebody on the back end of the hook up that wants to sign up today and say, look, I'm on the back end. Let's say Chupadero. Because we talked about that and now we took over their system. What about all those folks? Are we going to get hookup fees arguably for all those residents? Are we going to put that hookup fee in a lock box and save it for them? Are we saying, no, first in?

MR. LEIGLAND: Madam Chair, Commissioner Mayfield, from my understanding it's first-come, first-served.

COMMISSIONER MAYFIELD: Okay, but, now again, help me out here. First-come, first-served, meaning that they may not be served arguably for ten years, we're going to keep that money locked away for them?

MR. LEIGLAND: If the money is still available.

COMMISSIONER MAYFIELD: Well, it should be available, right? We're just going to have it in a bank account somewhere for when that system comes.

MR. LEIGLAND: Madam Chair, Commissioner Mayfield, there's a finite sum. So say it's \$5 million, and say \$5 million only pays for 1,000 customers. So the first 1,000 customers will exhaust that and all subsequent customers won't have that waived. It's not every single customer who decides to hook up gets it.

COMMISSIONER MAYFIELD: So it's the first thousand customers that are on proximity to the line. It's not the first thousand customers that sign up.

MR. LEIGLAND: It would be the first – well, first of all, the numbers I just quoted were –

COMMISSIONER MAYFIELD: Sure. Examples. I know that.

MR. LEIGLAND: The first thousand who – and I think actually that will have to be a policy decision. Is it the first ones that actually sign up? Or we'll have to do – it will be a first-come, first-served. So if someone decides to join ten years from now, or for instance one of the options in the settlement is that they won't sign but their successor in interest can hook up to the system, maybe by that time there won't be enough in that fund to pay for that hookup fee, so they will at that point have to pay. But we actually think that there will be more than enough to pay for all the people.

So for that reason I think that we'll have a lot of people sign up quickly. Or we won't be penalized by the phasing, the timing, if you will. The other thing that helps us is that the BOR is going to have a design-build-operate-maintain contract, which means that as each phase becomes operational – so for instance, San Ildefonso becomes operational in 2019, that system is going to be operated by the contractor. And then as the next phase comes on that system will be operated by the contractor. So the contractor who designed and built it, he will be behind his constructor operating it and maintaining it. So by the year 2022, when the entire system is complete, it's only at that point that the entire system will be turned over to the joint powers authority.

So what that means is there will be a five-year period where a customer base can be built up that won't really be on our dime, if you will. The system will be operating, people who are in construction will see that El Rancho is on water and they're happy or they're not happy. They can make good decisions. So by the time it gets to the Bishop's Lodge extension there will be five years of history and a lot of people hooking up so by the time the joint powers authority has it a lot of the operational bugs will have been worked out but also the customer base will be a little bit more mature.

So I think to answer your question, we don't really know the phasing. That's one reason we looked all the way out to 2040, but I think that two things kind of show the phasing will maybe work. We won't have to worry about that too much, because I think it will be – I think a lot of people – the people who are going to hook up, I think they're going to want to hook up right away. Again, I think Paul made a good point. I think we do need to go out there and do knock-knock on doors and actually when we get to the next item I'll talk about that. But until that time I think the numbers show that it's not too much of a risk for the County.

COMMISSIONER MAYFIELD: Madam Chair, Mr. Leigland, so if the Eldorado – San Ildefonso is arguably – there are not too many private claims on San Ildefonso. There might be four or five private claims within San Ildefonso Pueblo. So let's look at the El Rancho community. So whoever signs up to hook up to the system. Then let's go down to the Jacona community and a little further up. But when you're getting to the Pojoaque, so by the time we're looking at hitting Pojoaque, that's a few years out, right? So if the folks in Pojoaque see that there are significant startup problems getting through Jacona, are your projections of the 1,400 customers estimating or guestimating that there will be no problems, because then you may have estimated on the high side where people are saying no way. We don't even want to tap into the system at this time. So have you put that calculation

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MR. LEIGLAND: Madam Chair, Commissioner Mayfield, we haven't – you raise a good point. What we did do, if you look on the map, the second map I gave you that has each of the sub-areas. We identified about eight different sub-areas and the demographic analysis that I described to you, we did that actually for each sub-area then we aggregated for the plan I actually gave you. So what we could do is a sensitivity analysis. We could look at each of the sub-areas. We could say, okay, here's the potential customer based within that sub-area. For instance, El Rancho. And then we could say, well, there are startup problems or whatever reasons so that the Pojoaque community decides not to do it. So we could look at the Pojoaque Valley East sub-area and we could say that's the potential number of customers. Say they all choose not to come on line. How does that affect the overall picture. But by the time you get down to Cuyamungue and Tesuque those issues have been worked out so people make different decisions. So we have the fine-grained detail to make those sorts of analyses. Or maybe that will be the next step to kind – like I did some sensitivity analysis to see over time I guess.

But again, I think we're looking at – we really only needing 840 customers so, over the 4,000 that we project over the time period.

COMMISSIONER MAYFIELD: Okay. And then Madam Chair, Mr. Leigland, just because maybe I understood the settlement agreement a little different. I thought individuals, as far as one option in the settlement agreement, and this goes back to the code, had the option to say we don't want to sign on to the system. And just correct me if I'm wrong. Nor do we want to mandate if we sell our property that the individual we sell to will be required to sign on to this system. But now our code is going to say we don't care about that settlement agreement. Well, that's what I thought I heard you say. I thought our code is not going to say that if you're within whatever feet of the County water system you have to hook up to this system.

MR. LEIGLAND: Madam Chair, Commissioner Mayfield, that's a great point, and actually there are three options being given to people. They can hook up. They can have a successor in interest hook up, or they can choose not to hook up but will have to undergo a potential reduction in use.

COMMISSIONER MAYFIELD: Right.

MR. LEIGLAND: No, what I was saying is that those three options apply to people within the settlement agreement now, but someone who moves into the area ten years from now or five years from now, and they're moving into an undeveloped property that does not have a well, there's a moratorium on wells. So we're going to say if you're new to the area, you didn't sign the settlement agreement you have to sign up. So we're estimating there's going to be a thousand new households that will meet that criterion so that's the customer base I was referring to.

COMMISSIONER MAYFIELD: Okay. And since I don't have the settlement agreement in front of me how does the settlement agreement address shared well agreements within the settlement area?

MR. LEIGLAND: Madam Chair, Commissioner Mayfield, I don't think it does. I don't know. At the last public meeting I was in on Aamodt that question came up and John Utton fielded it and I think what he said was that something will have to be worked out.

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Because I think what it says is a shared well doesn't affect the well it just affects you. So if you choose to hook up but none of the other partners of the shared well, that doesn't mean that that well has to go away; it just means that you have to disconnect from the well.

COMMISSIONER MAYFIELD: And how does the County receive credit for that well? Do we get the full quarter? Do we get a quarter of the quarter? Do we get an eighth of the quarter?

MR. LEIGLAND: That's a good question. I think that's something that will have to be worked out.

COMMISSIONER MAYFIELD: Okay. Then Mr. White brought up a question as far as the water usage or the water transfers or I guess the willing of the water – I think the way I understand the agreement, if we're not putting it to beneficial use right now we can probably move it around a little bit. But that being said, I remember from an earlier discussion today. We have – what we have for our native rights, we're going to be talking about the Top of the World at the next item. But with the extra quarter acre-foot that the County's receiving from anybody who signs on to the Aamodt, is that quarter acre-foot to supplement the Top of the World that we bought so we can move those water rights somewhere else? Or is it in addition to those Top of the World water rights? Are they in addition to our Rio Grande water rights so we can use those water rights? Just help me out with that.

MR. LEIGLAND: Madam Chair, Commissioner Mayfield, so the County has to come up with a certain amount of water rights and one of the ways we plan to come up with that is the transfer that you just described. So it will be, I want to say complement to the other water rights we have; not a supplement. We're counting on it to meet our obligation, if you will.

COMMISSIONER MAYFIELD: For the Aamodt.

MR. LEIGLAND: For the Aamodt.

COMMISSIONER MAYFIELD: On top of the Top of the World water rights.

MR. LEIGLAND: On top of Top of the World. Yes.

COMMISSIONER MAYFIELD: Okay. And again, we can use them till they're exhausted, right?

MR. LEIGLAND: The Top of the World or the ones that were transferred from the individual properties?

COMMISSIONER MAYFIELD: The ones that are transferred from the individuals.

MR. LEIGLAND: I think when that's transferred to us, that was how we will supply them water is essentially with their own water right. So those water rights that are transferred from the well, unless I'm misreading it or misunderstanding it, those are going back into the system just so we can turn around and serve the people on that system. So similar I would say to how the City does it where the developer brings his water rights to the table and then he gives them to the City so they can turn around and use those water rights to supply that developer.

COMMISSIONER MAYFIELD: Okay. And then Madam Chair, I met with – or I spoke with Mr. White and [inaudible] a little earlier today, and I'll just ask Paul for clarification if the chair doesn't mind. I don't think she's going to mind. There was some community communication meetings going on. Have they ceased? Are they not happening anymore?

MR. LEIGLAND: Madam Chair, Commissioner Mayfield, I haven't been involved in any – I have been involved in, and I think you have too, the communication working group.

COMMISSIONER MAYFIELD: Right. Right.

MR. LEIGLAND: And so that group kind of decided that we needed to do a little more homework before we went back out. So that's what's going on right now is we're developing the plans and actually deciding who's responsible for what and developing a little bit better products. We learned from the two meetings I went to, and one of them is the one I mentioned earlier, we learned that some of our promotional material, our educational material still has some holes in it and I'm thinking of a particular one we had in Tesuque where a lot of the questions, I think could have been forestalled if we'd had better materials. So that's kind of what's going on right now. So I haven't been part of any Aamodt outreach meeting since I guess that was in – I want to say April. That's the last one I went to.

COMMISSIONER MAYFIELD: Madam Chair, but you're going to restart them up again?

MR. LEIGLAND: Yes.

COMMISSIONER MAYFIELD: And then on that note, knowing that people are going to have to make this decision with the Aamodt coming down, and based on your presentation today, why don't you all maybe want to deal with another poll out there. I don't know what the cost is. Why don't we just look at circulating something out to the population to see if you guys are going to hook up to this system or not.

MR. LEIGLAND: Madam Chair, Commissioner Mayfield, we definitely want to do that but everyone felt that some of this data that I just presented to you today needed to be included, because some people might say I don't want to pay – some people might not know how much their estimated water bill would be. So if I tell them \$600, that might be high to them or it might be low, and so they can make a better decision. Or if we tell them the County is going to be the operator and not a contractor, for instance, that might inform their decision as well. So we feel like we needed some of the data in this report in order to go out to the survey.

So, yes, we definitely plan to do that and we definitely need to do it I think before – well, I think we need to disseminate this information before people have to put their pen to paper for the real deal, and I think we definitely need to get out there with more information. And actually, we're going to have to do it any way as part of the EIS process. I learned today that the Bureau of Rec selected their firm for the EIS process, so we should see that kicking off and part of that by regulation requires a big outreach process. So that's another reason why we've been waiting is because if we do the outreach as part of the EIS we'll get more staff support from the BOR but also it will count towards the EIS process.

So you should see now that that – and actually I turned that in formally, but now that the EIS is going to kick off you should see a much bigger and more robust outreach and then again, kind of anticipating the next item on the agenda but I think you’ll see the County role get bigger as well.

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

CHAIR STEFANICS: Thank you. We really can’t go any further until we have a quorum.

COMMISSIONER MAYFIELD: Okay, I’ll ask more questions. I think our court reporter needs a break. There’s Commissioner Anaya. Commissioner Anaya, we need you in here. He’s right there, been listening from the conference room.

CHAIR STEFANICS: Thank you very much.

XII. D. 2. Resolution No. 2012-138, a Resolution Allocating the Proceeds of the Sale of the Top of the World Ranch Water Rights as Part of the Aamodt Water Rights Settlement Agreement

CHAIR STEFANICS: Mr. Leigland, do you want to explain what that’s all about?

MR. LEIGLAND: Yes. As part of the Aamodt settlement agreement the County purchased the Top of the World Ranch in Taos County and with that ranch came about 1,700 acre-feet of water rights. And so when this Commission passed the resolution accepting the settlement agreement amendments that kicked off a process whereby the Bureau of Indian Affairs would buy 1,100 acre-feet of that water from us with the eventual purpose of bringing it down into the Pojoaque Valley for the Aamodt water system.

So what this resolution does is takes the proceeds of that sale of the water rights, 1,100 feet, which would be almost \$5.5 million and it proposes to allocate those to two different sources. And this allocation that I’m proposing is in full compliance with the settlement agreement. Or the cooperative agreement. Excuse me. And so the proposal is to take no more than 15 percent of that to pay for a full-time staff person on the County staff and that person will be the County Aamodt guru if you will. So that person will be responsible for all the County’s obligations with Aamodt, and that includes outreach and communication, which is already taking up staff time. During an EIS process a County presence is expected by the BOR and actually it would be in our interest, and then I think the most important part of the County’s presence would be during design and construction of this system because since the County will become the eventual operator it’s in our interest to make sure, as we learned from the BDD that operations costs are kept well under control. So we want to make sure of our interests.

So this proposal says that up to 15 percent pays for a staff person and a vehicle for instance, for Aamodt related issues. And then the remainder is put into a fund that can be use only for Aamodt purposes.

Now, we’re anticipating that in 2022 there may be a need for money to pay for – well, at this point we don’t really know but we think that there may be some need – maybe as

Commissioner Mayfield brought up we don't have enough customers signed up yet, so there's an initial operating shortfall, or maybe there's a capital need that we need to take care of right away. So what this does is take that money that should be coming to us very soon and just allocates it to these two different places.

CHAIR STEFANICS: Thank you. This is a resolution so there is opportunity for public comment. Is there anybody who wants to make a public comment about this? Come on up.

MR. WHITE: My name is Paul White and thank you, Madam Chair, Commissioners. I support this resolution. Thank you.

CHAIR STEFANICS: Thank you for being here. Anybody else have any comments about this? Okay, questions, comments from Commissioners? Commissioner Mayfield, then Commissioner Anaya.

COMMISSIONER MAYFIELD: Madam Chair, Mr. Leigland, I just want to make sure I understood you. So you're looking at \$825,000 for a staff person?

MR. LEIGLAND: Madam Chair, Commissioner Mayfield, as a ceiling, yes.

COMMISSIONER MAYFIELD: Is that for a year? Is that for 20 years?

MR. LEIGLAND: That's for six years.

COMMISSIONER MAYFIELD: Okay. Is this staff person going to be an attorney? An engineer? What are we looking at?

MR. LEIGLAND: We're anticipating it will be a junior engineer.

COMMISSIONER MAYFIELD: Junior engineer. So looking at about \$135,000, \$137,000 a year with benefits?

MR. LEIGLAND: Madam Chair, Commissioner Mayfield, I think that's probably high. I think our benefit is probably about 40 percent on top of salary, so I think we're looking at probably \$100,000. So \$800,000 is the number, but I said six years times \$100,000 plus any kind of salary escalation plus if we have to buy a vehicle and a computer or something like that. So that's how I arrived at that number.

COMMISSIONER MAYFIELD: Madam Chair, Mr. Leigland, and I realize maybe this is for Ms. Brown, what potential litigation are we still facing from Taos County, the City of Taos, over this Top of the World water rights? Is it a done deal?

MR. LEIGLAND: Madam Chair, Commissioner Mayfield, well, first of all it won't be our responsibility to move them. It will be the Bureau of Indian Affairs.

COMMISSIONER MAYFIELD: It's not ours? The County has no liability in this whatsoever?

MS. BROWN: Madam Chair, Commissioner Mayfield, I am not aware of any threatened litigation at this time.

COMMISSIONER MAYFIELD: Okay. I guess I was always under the understanding that there was still potential litigation on the moving of the Top of the World water rights. There's not?

MS. BROWN: That litigation would not be the responsibility of the County.

COMMISSIONER MAYFIELD: But we received – we're going to be receiving money for BOR on this now?

CHAIR STEFANICS: Ms. Miller, do you have some light to shed on this?

MS. MILLER: Madam Chair, Commissioner Mayfield, on the amount – we're selling those water rights. BOR will transfer them. So if somebody has an issue with the transfer that will be with them. And then we'll have our own issue with the ones that we have, but this allocation was off of the proceeds from what we sold. And then we'll have – if there's something that I'm unaware of, but we would have to deal with the transfer of our own, because we do have some remaining that we were looking at transferring as well.

COMMISSIONER MAYFIELD: Okay. Now I appreciate that clarification. And then, Madam Chair, Mr. Leigland, so our costs – what you're saying, our cost for our own in-house engineer or planner, why isn't BOR picking up this cost? I appreciate they're paying us for the water rights, but isn't BOR the one responsible for the design of Aamodt?

MR. LEIGLAND: Madam Chair, Commissioner Mayfield, first a clarification. It's the Bureau of Indian Affairs, BIA, that's got the rights and is going to transfer them.

COMMISSIONER MAYFIELD: Okay. So it's BIA, not BOR. I thought it was BOR giving us the money.

MR. LEIGLAND: BIA. Too many acronyms. But you are still correct, the Bureau of Rec is the one that is going to be responsible for the management of the EIS and also the design and construction. So they will have their own staff. But first of all, there is in the cooperative agreement which talks about the roles and responsibilities in this whole process there is an expectation that the County will participate, both with staff time and also monetarily and you know some of the financial costs. But also I think it's in our best interests to have a presence at the table because as we just learned earlier today, when it comes time to operate this system if we weren't making sure that our interests were represented properly, which is why I think an engineer is the right person to have during that EIS and the design stage, the BOR, they're going to do their best but they're not going to know the inner workings of our County utility and they may make a decision that's going to be detrimental to the long-term operation of that.

So I feel that that is why this is our responsibility. So on the outreach process, the BOR is looking – they need us to be involved in that too, so there's an expectation that's codified in the cooperative agreement that we participate in. So BOR is putting a lot of staff resources to it but it's in our interest to have staff there as well.

COMMISSIONER MAYFIELD: And Madam Chair, Mr. Leigland, what are you planning on doing with the remainder of that \$4.1 million? you putting it away in a little lock box somewhere?

MR. LEIGLAND: Madam Chair, Commissioner Mayfield, yes. The reason this resolution just gives the – we can make some better investment decisions because we know the money is allocated for this. A lock box that can be only opened say in the year 2022 or whenever we need to pay that money to –

COMMISSIONER MAYFIELD: Specifically for Aamodt.

MR. LEIGLAND: For Aamodt. Yes.

COMMISSIONER MAYFIELD: And then Madam Chair, Mr. Leigland, and this engineer, granted that we probably have needs for this engineer in other capacities at the

County, but this job is being paid with dollars that were specified for Aamodt, so their only function here is only for Aamodt, correct?

MR. LEIGLAND: Exactly. Very similar to how we have bond-funded positions. We have positions that came with proceeds of bonds and those positions can only do bond projects. This position can only work on Aamodt, and there will be plenty of work for this person.

COMMISSIONER MAYFIELD: That's all I have right now. Thank you, Madam Chair.

CHAIR STEFANICS: Thank you. Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, a question and then a comment. The resolution, request to allocate revenues to provide a staff person, but we have a place at the table. This just designates an additional position. But I just want to clarify. We are at the table and in fact with your or Pego or any staff in the County, the Manager. This doesn't create the place. This is a new FTE that's only designated. So it's semantics but it's important semantics to clarify that we are at the table and we'll absolutely be at the big table. This would just put a full-time FTE designated for that use. Is that right?

MR. LEIGLAND: Madam Chair, Commissioner Anaya, yes. That's exactly right.

COMMISSIONER ANAYA: Okay. Madam Chair, I – at the time the water rights transfer and purchase was taking place I brought concerns associated with the taking basically the entirety of the water out of that area and designating it to the settlement. I had concerns about that. Based on those comments and those concerns of taking the water in its entirety out of that basin and that area, I'm going to respectfully vote no. I understand what you're doing but I'm going to base my vote no based on the frustrations that I had and the concerns that I aired relative to pulling all of the water out of that basin. So, thank you, Madam Chair.

CHAIR STEFANICS: Thank you. Any other comments?

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR STEFANICS: Yes. Commissioner Mayfield.

COMMISSIONER MAYFIELD: Thank you. Madam Chair, Mr. Leigland, what's going on with the state's funding on this? Have they come to the table yet? Weren't they going to put in \$10 million plus or something?

MR. LEIGLAND: Madam Chair, Commissioner Mayfield, I don't know what the status but I can tell you that in communications I've had with different people of the state, most of my communications have been with sort of the outreach side, is that they're working on it but I don't have any more information on that.

CHAIR STEFANICS: On that point, Ms. Miller, wasn't there an appropriation for Aamodt, like \$5 million or \$15 million that the Governor let go through?

MS. MILLER: Madam Chair, there is an Indian rights settlement fund and it is for – there has been funding appropriated to it by I believe this Governor and the previous Governor and legislatures. But I don't know if they've allocated specifically which settlements it goes for but Aamodt is one of them. I just don't know –

CHAIR STEFANICS: Could you have staff check on – Rudy or Hvtce or somebody check on the amount of money that is set aside by the state to answer the question?

MS. MILLER: Yes.

COMMISSIONER MAYFIELD: Madam Chair, I think the Aamodt is moving forward but there's still a lot of unanswered questions with the Aamodt. And we did acquire these water rights for this specific purpose; now we're selling them, and I would just straight up hate to squander this money of nobody else is going to come to the table with their money. I have that worry. Also as far as the money that we're looking at, are we looking – and I saw him here a little earlier and I'm just going to ask the question I ask all the time, are any of these dollars going to be going for our attorney fees? Are they going, respectfully, for your fees, for – and when I say attorney fees, our contract attorney fees, our in-house attorney fees? Are we going to start doing in-house cost allocations for staff salaries?

MR. LEIGLAND: Madam Chair, Commissioner Mayfield –

COMMISSIONER MAYFIELD: If you can't answer that maybe Teresa can.

MR. LEIGLAND: That's not contemplated under this resolution and John Utton's fees aren't being out of this; they're being paid out of the utility right now.

COMMISSIONER MAYFIELD: Okay.

MS. MILLER: Madam Chair, Commissioner Mayfield, this is basically a resolution that gives us general direction. We have to bring another resolution back, an actual budget adjustment resolution, because this will increase when we do receive the funds to bring it into the budget. That would require a budget resolution to the Board. So at that time we would bring back how much would go to salaries and any other costs associated with the position. But to give staff general direction as to whether they start developing a position and then also to set, when we do receive those funds, to give direction to the Treasurer as to how to – how long to invest, etc.

So this is just the first step. You will see an actual budget resolution come back to you for the more specifics of where the percentage that's allocated, where it would go from year to year.

COMMISSIONER MAYFIELD: Okay. And then Madam Chair, Mr. Leigland, let me just rethink this question. As far as the 1,700 acre-feet you mentioned with the transfer and we're using 1,100 acre-feet to go for, I guess the BIA. The other 600 acre-feet, what are we doing with that right now?

MR. LEIGLAND: Madam Chair, Commissioner Mayfield, the settlement agreement says that those water rights will eventually be used for our portion of the Pojoaque Valley, but it says that as such time as we need them we can do whatever we want with them. So it's estimated I think that we'll need to bring 550 down eventually to complement the other .25 that we talked about earlier. But until that time is needed, and the soonest it would be needed would be 2017 or 2018, they can stay where they are.

And then the 611 are staying up there, so we estimate 550, so there'll still be another 61 acre-feet that are sort of up in the air right now. They may be used for future expansion in the settlement area or –

COMMISSIONER MAYFIELD: So, Madam Chair, Mr. Leigland, we're not making a dry ranch, right? We're leaving some up there at the ranch.

MR. LEIGLAND: We'll leaving some. The 611 – well, the full 1,700 will stay up there until they're needed down here. So the first 1,700 will stay up there –

COMMISSIONER MAYFIELD: I'm just having a hard time hearing you.

MR. LEIGLAND: The full 1,700 acre-feet will stay where they are until they're needed down here. And so we're not going to need the water rights down here until the soonest 2017 because that's the first time anyone will use them. So I don't know when the Bureau of Indian Affairs plans to move them but I anticipate they're not going to want to move them until they need to. In the meantime there will be 611 that they didn't purchase that we still own, and we won't need to bring those down until such time as we need it and so that would be the soonest again, 2017, but it could be as late as 2040, depending on how the demographic analysis works out. And then that, as I said, the 611 that are up there, we estimate now that we'll need about 550, so that leaves 61, as I said, sort of unspoken for. So no, there's not a dry ranch, or to be honest, there may be but it won't be for another 30 or 40 years.

COMMISSIONER MAYFIELD: And then, Madam Chair, Mr. Leigland, what I'm hearing then is we basically bought the ranch, the Top of the World Ranch, let me put the ranch correct and we are selling the water rights and we're able to get paid for the water rights and we're now using the water rights on the Aamodt. So we're basically getting a win-win from those water rights, paid and use. You right now – don't we have an agreement where we are helping out the Village of Cuesta, where they're using some of these water rights right now too?

MR. LEIGLAND: Madam Chair, Commissioner Mayfield, I believe so. I don't know the details of that, but I think so, yes. And then there's some small irrigated –

COMMISSIONER MAYFIELD: But these water rights are still intact up there.

MR. LEIGLAND: Yes.

COMMISSIONER MAYFIELD: And I think I've asked this, Adam, but I'm going to ask it again. None of these water rights are being moved into the Rio Grande to offset anything going with the BDD. Correct?

MR. LEIGLAND: No.

COMMISSIONER MAYFIELD: Will there ever be any potential use from the BDD out of these water rights?

MR. LEIGLAND: Madam Chair, Commissioner Mayfield, no. I mean I would expect no. I don't think they even can be.

COMMISSIONER MAYFIELD: Okay. And then Madam Chair, Ms. Miller, how long would it take to get I guess the answer from the state of when they would – if we know if they're funding this or not?

MS. MILLER: Madam Chair, Commissioner Mayfield, I don't think it would take long at all to find out how much is allocated to the fund. They may not know specifically to each project, and the only reason I say it is because I remember reading the appropriations

and they say – when that Indian water rights fund was established it named certain ones throughout the state that were eligible for the funding. So when it was first established – I don't know. Maybe seven, eight years ago, it was established with a plan of funding it in order to address specifically this settlement and some others throughout the state. There was a plan on how much would be allocated to it each year, but when the state suffered its economic downturn, those years it did not get allocated and then I know since it's kind of come back there has been some allocated. I just don't know how much for each specific project, whether that's been determined yet. But it definitely received some funding and Aamodt was one of them.

COMMISSIONER MAYFIELD: Madam Chair, Ms. Miller, do you know if it was capital dollars? Did it have to go out to the voters for bond approval? Was it general fund money that they were going to give to it?

MS. MILLER: Madam Chair, Commissioner Mayfield, I believe the original \$10 or \$15 million that went in was general fund but probably some of the others have been severance tax bond fund and what the call sponge bonds and allocated to that. But no, it would not require any approval by the voters. It would have been an appropriation that went into that fund and was set up to stay in that fund. So they would actually have to do an appropriation to pull it out and to reduce it. And to my knowledge they just kind of reduced the allocations. But there was a plan for the state's required match on all Indian water rights settlements when that was first set up, and that was a plan that a certain amount would go each year until those obligations were funded, and then it might have said that they had to defer that plan when the economic downturn came. But I do believe that even since then there have been allocations made. But we can find out, probably pretty quickly how much has been allocated and whether it's been allocated to any specific projects and my guess is each administration and legislature would continue to work to fund it and fund the different –

COMMISSIONER MAYFIELD: Madam Chair, I'll just close and I guess I'm not making this decision, but if you would just let me know before you bring somebody on board, because I would just hate to waste this money if it's going to go to no avail. I'm just going to be straight when I say that. We're going to get this money from BIA and we're spending it for no reason, the planning and we're not going to use it, why use it. Thank you.

MS. MILLER: And Madam Chair, Commissioner Mayfield, one point too, a question you asked earlier, I believe, and I talked to Steve Ross about this before, but I believe that we do lease for offsets, not actual consumption but offsets to Cuesta in return for actual usage of the water rights so that they don't stay dormant, about 600 acre-feet, and that's on an annual basis and it's a mutual benefit, that they use that for offset. And the rest, we use water, we have a lease for alfalfa fields and that lease includes water rights to water those fields.

COMMISSIONER MAYFIELD: Thank you. Thank you, Mr. Leigland.

COMMISSIONER ANAYA: Madam Chair, one more question.

CHAIR STEFANICS: Yes. Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, within the Aamodt settlement agreement there's reference to the amount of water that will be provided, but there's no

connection in the settlement agreement to Top of the World or any other actual location as to where the County would supply it from. Correct?

MR. LEIGLAND: Madam Chair, Commissioner Anaya, no, I think the Top of the World water rights are specifically mentioned.

COMMISSIONER ANAYA: Is the Aamodt – that's not my understanding at all. And we had this discussion before we actually acquired the water rights to transfer down there. In the agreement it was that the County would provide those water rights but it wasn't referenced in the settlement agreement as to where they would come from.

MR. LEIGLAND: The cooperative agreement, which was a sub-agreement mandated by the settlement agreement makes specific reference to the Top of the World. And so the cooperative agreement actually not only talks about it but also tells us how we can spend the proceeds of that money, and that's referenced in the resolution. It says –

COMMISSIONER ANAYA: Not the resolution, the Aamodt –

MR. LEIGLAND: What I was indicating is that the cooperative agreement, which is a sub-agreement to the settlement agreement, which talks about implementation, the cooperative agreement makes specific reference to Top of the World, and the cooperative agreement specifically talks about how that money can be spent from it. So it says the County shall reserve and exclusively use the funds received as a result of this agreement, the Top of the World rights, to fulfill any one or combination of the following purposes. The County's monetary commitments described in the cost-sharing system integration agreement, the County's other costs of implementing the Aamodt settlement, and the County's cost of OM&R of the County's water utility.

COMMISSIONER ANAYA: Madam Chair.

CHAIR STEFANICS: Yes.

COMMISSIONER ANAYA: Madam Chair, Mr. Leigland, you're referring to the agreement that the County made, that the County voted to transfer the water. Is that what you're referring to? Because that's specifically what I voted against, and I'm just clarifying that there are distinct differences between the settlement that was done well before I sat on this Commission bench, did not provide provisions for Top of the World.

MR. LEIGLAND: I believe you're right.

COMMISSIONER ANAYA: As a Commission we had to vote on it.

MR. LEIGLAND: The settlement agreement does not specifically mention –

COMMISSIONER ANAYA: Thank you, Madam Chair.

CHAIR STEFANICS: Thank you. Is there a motion? I would move Resolution No. 2012-138. Is there a second?

COMMISSIONER HOLIAN: I'll second it.

CHAIR STEFANICS: Okay. I recognize there's not total agreement here so let's see how the vote breaks out.

The motion passed by majority 3-1 voice vote with Commissioners Holian, Mayfield and Stefanics voting with the motion and Commissioner Anaya voting against. Commissioner Vigil abstained.

COMMISSIONER VIGIL: I'm going to abstain, Madam Chair. I've had some discussions about this that made me think it probably would be best for me to abstain.

CHAIR STEFANICS: So are you saying you have a conflict or interest?

COMMISSIONER VIGIL: I don't necessarily think it's a conflict of interest, but I have had discussions with constituents who are concerned about this so I'd rather abstain.

CHAIR STEFANICS: Okay. So the vote is three in favor, one against, one abstention.

COMMISSIONER MAYFIELD: Madam Chair, let me ask a question then, if I can.

CHAIR STEFANICS: Yes.

COMMISSIONER MAYFIELD: I just had a conversation with a constituent right down there about this so if that's the case then maybe I need to abstain from this too.

CHAIR STEFANICS: Well, Ms. Brown, we don't usually abstain unless we have a conflict. Do you want to make any comments about our ability to abstain?

MS. BROWN: I'm not aware of a rule that prohibits an abstention regardless of whether there's a conflict or not, but generally we do only abstain when there is a conflict.

CHAIR STEFANICS: But you're saying there's no prohibition against abstention.

MS. BROWN: I'm not aware of a prohibition.

CHAIR STEFANICS: Okay. So let's retake the vote. The attorney is saying there is no prohibition against abstaining. So I heard a query about that and now that we have a clarification let's retake the vote.

COMMISSIONER ANAYA: Madam Chair.

CHAIR STEFANICS: Yes.

COMMISSIONER ANAYA: I think there's something in the code of ethics that speaks directly to abstention. I would actually believe personally that any Commissioner could abstain at any time without an explanation. But I think there's something explicit in our rules that speaks to what we have to do as Commissioners if we do abstain. So I would actually say I think Commissioners should have the right to abstain but I want to say there's something explicit in our code that says we have to explain the conflict. I'm not trying to belabor and make conflict but I think we had this discussion when we were going through the whole Ethics Ordinance and there was some confusion, and maybe it's even on my part, because it's my perspective that at any time we want to abstain we should be able to but I'm not so sure that that's what our rules of order say. So is there a way for us to table this till the next meeting? What do we do to make sure we're doing the right thing?

CHAIR STEFANICS: Commissioner Anaya, I think we are talking about two separate documents. The resolution that approves our rules that we operate under, and then the code of ethics. So I would agree and I would substitute a tabling motion for further study of abstention votes. Is there a second?

COMMISSIONER HOLIAN: Second.

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

CHAIR STEFANICS: So we're tabled. We will take this up at the next meeting once we clarify our rules.

XII. D. 3. Memorandum of Understanding Between the Eldorado Area Water and Sanitation District and the Board of County Commissioners of Santa Fe County Regarding Mutual Water Services Cooperation

MR. LEIGLAND: Madam Chair, Commissioners, as you know there's been some bad blood between the County and Eldorado Area Water & Sanitation District, and I think that kind of came to a head a little bit as we start to bring BDD water out to Canoncito. So this memorandum of understanding that you see before you actually originated with the Eldorado Area Water & Sanitation District and this is something they wanted to see, and essentially it just spells out that we are both utilities, we have shared interests. It talks about who can expand into whose service area and it talks about – there's some language about the County's statutory duty through the Subdivision Act and just kind of clarifies some rules and responsibilities there. And then what I think is probably the most important part as you get towards the end of the agreement, paragraphs 5 and 6 it just talks about how we will have future cooperation. So I think this paves the way for future amicable relations, if you will.

So again, as you can see the Eldorado board has already signed it. This is something that they've been interested in and I think it's a good agreement.

CHAIR STEFANICS: Thank you, Mr. Leigland. I want to let everybody know that I have received no opposition about this from the Eldorado Water Board and seeing both their board president and their board secretary and their board attorney signed this is a reassurance. Comments, questions?

COMMISSIONER ANAYA: Madam Chair.

CHAIR STEFANICS: Yes, Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, understanding that we have a line extension that we're working on and design and other aspects associated with that, do we have a similar agreement in place with other water companies or mutual domestics? I mean do we have something like this for Canada, as one that's going to be linked? What's your feedback?

MR. LEIGLAND: Madam Chair, Commissioner Anaya, well, first there are no other such utility districts besides the County beside the City and the County and this of equal size, and then there's the mutual domestics. And then we have no other similar memoranda of understanding, unless I'm mistaken, with other systems. I mentioned Canoncito. We have a resolution that says they will become part of the service area, and then we just passed one last meeting for Chupadero. So those are resolutions from this Board; they're not the same as this memorandum of understanding. So I think the short answer to your question is no.

COMMISSIONER ANAYA: Does it make sense for us to do that as well? We have other entities that we've supported water projects for and that we're working through. I think it's always good to work with entities in a service area, whether they're communities or whether they're a utility. But I'm trying to put this in the context of other entities that we might want to do the same thing with. So that's what I'm trying to understand.

MR. LEIGLAND: Madam Chair, Commissioner Anaya, I understand what you're saying. I think this is a unique case. One, because this is a proper utility under the state enabling legislation which is different from a mutual domestic. I think that adds a level to it. Also this is a unique case and I think what precipitated this agreement was that we're bringing water very close to their service area and they were concerned about us infringing on their service area. So that's mentioned in this agreement. So I don't think similar cases exist elsewhere. I understand what you're saying but I think this is a particularly unique case that warrants this agreement.

COMMISSIONER ANAYA: Thank you, Madam Chair.

CHAIR STEFANICS: Thank you. Any further discussion? I would move the approval of the memorandum of understanding between the Eldorado Area Water & Sanitation District and the Board of County Commissioners of Santa Fe County regarding mutual water services cooperation. Is there a second.

COMMISSIONER ANAYA: I'll second.

CHAIR STEFANICS: Thank you. There is a motion and a second. Any further discussion?

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

XIII. MATTERS FROM THE COUNTY MANAGER

A. Miscellaneous Updates

MS. MILLER: Madam Chair, Commissioners, I just had a few miscellaneous updates. I believe you have received what we do at each one of these meetings as you have questions we write those down and get a follow-up and send a response to you, but I just wanted to give some of those items that you had asked about. You had asked about our new transportation planner attending the RPO and MPO meetings. That's being done. He's now hooked into that meeting schedule.

Also, we're working on – it was a request to put on the agenda for the end of November meeting the resolution rescinding the resolution on the rural water system acquisition, and we are working on that.

Several updates for Commissioner Anaya on some of the items that he had asked about and when he comes back in we might want to go over some of those for specific things he had asked about to make sure that they were on the record.

Also we've had several ribbon-cuttings and dedications and we still have another one this month that will be coming up, and we're posting those on the website. We did invite the press out to our RECC. Unfortunately, nobody took us up on that but we have done quite a

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bit of advertising on the website about the availability of the notifications that we have and how you would sign up for those.

Also, we have a draft of a thank you letter for the Water Trust Board, Madam Chair, if you would like to sign that. We are working with GIS on the location of the senior center on State Road 14. The best location seems to be near the fire station.

On Thursday we do have a groundbreaking scheduled for the Edgewood fire station, and there was a question, by the way about what about the water supply. Thunder Mountain has filed for reorganization under Chapter 11, but as far as our station project goes the water line to our site is active and the hydrants have been installed and are good to go. And the contractor has already picked up a water meter. So that was one of the items that had come up as well. And I think that pretty much sums it up unless you have some specific questions.

CHAIR STEFANICS: Thank you. Are there any questions for Ms. Miller? Thank you, Ms. Miller. I believe we have just a couple of issues. If we finish them then we can go into executive session.

COMMISSIONER VIGIL: Are you going to do the next resolution?]

XV. MATTERS OF PUBLIC CONCERN – (Non-Action Items)

CHAIR STEFANICS: Well, I'd first like to make sure – are there any members of the public here that want to speak?

XVI. MATTERS FROM THE COMMISSION

A. Resolutions

1. Resolution No. 2012-138, a Resolution Instructing Santa Fe County Members and the Alternate Member of the Buckman Direct Diversion Board Not to Vote on the Issue of Placing Supplemental Fluoride Compounds in the Water Supply

CHAIR STEFANICS: This is brought by myself. The reason this is on here is originally, the Buckman Direct Diversion board agenda had on it an ordinance for us to vote on deleting the fluoride from the Buckman water. I made the point to our attorney, who made the point to the attorney for the board, Ms. Nancy Long, that the Buckman Direct Diversion board cannot enact an ordinance. So the topic was changed for us to support the City of Santa Fe removing the fluoride from the water and the Buckman Direct Diversion. And my position and the resolution is that until our County Commission fully vets the topic that we be directed not to take any action supporting that.

I also provided to everybody the section of the Patient Protection and Affordable Care Act [*Exhibit 2*] that actually talks about including community water fluoridation as part of the future. There is an editorial from Dr. Michael Landon who is the state epidemiologist with the State of New Mexico Department of Health supporting water fluoridation [*Exhibit 3*], and another article about how the City of Portland, Oregon is now adding fluoridation. [*Exhibit 4*]

But my concern is that it would be a rather backwards step to remove fluoridation from the water when the federal government is indicating it's important. I'll stand for questions.

COMMISSIONER HOLIAN: Madam Chair.

CHAIR STEFANICS: Yes.

COMMISSIONER HOLIAN: I would just actually like to make a comment. I definitely agree with you. I think the whole subject of fluoridation is an extremely complex one. I would have to do a lot more research on it before I really felt prepared to vote either way, actually. But having said that I will say that most of the people in the county are on groundwater and some of them have rather high fluoride levels. I think that's the least of their problems though. A lot of people have uranium, radium and arsenic in their water and they would be very fortunate to get Buckman Direct Diversion water fluoridated or not, especially since it's a rather low level of fluoridation they put into it.

But in any event, I do recognize that there could be health problems associated with it, but again, I really have not studied the issue at all and I don't feel prepared to make any kind of pronouncement on it. So I'm in agreement with this resolution.

CHAIR STEFANICS: Anything further?

COMMISSIONER VIGIL: Madam Chair, I respect the fact that we're being proactive about this. Otherwise I think we'll get caught up in the complex nature that this issue has been presented in the city. But to me it actually represents one of the distinct differences on the issues of water and Commissioner Holian alluded to it. We at the County would be really creating a strong position if we created a resolution that allowed for testing of arsenic or any other kind of ingredients in water that is harmful, much more harmful than the issue regarding fluoride. I fully support this. I don't know where it's going to go. One of the questions I'd like to pose to both of you as representatives of the Buckman Direct Diversion is when an issue does come before the Buckman Direct Diversion such as this that affects the quality of water, does that get a recommendation from the Buckman Direct Diversion and then come back to each governing body?

And I think we need to – that's another issue that I sort of was alluding to when I talked about looking at the joint powers agreement because this really puts us in a position of being proactive in this but the fact of the matter remains that the joint powers resolution may already allow us to do this and unless you have a different interpretation, Rachel, I will vote for this and hope that we gain more insight into whether or not other issues that come forth have to be vetted with the Buckman Direct Diversion, if they provide an advisory capacity to each governing body when it affects the quality of water and decisions that are made in placing substances or removing substances from it. I know in removing substances that was very much a part of our agreement with them because of the route of the BDD. So, Madam Chair, I think this really highlights a lot of the issues that could potentially be problematic, unless we have a clear understanding of what role the Buckman Direct Diversion plays. I am in favor of this for the time being.

CHAIR STEFANICS: Thank you. I would move approval of this Resolution No. 2012-138.

COMMISSIONER HOLIAN: Second.

CHAIR STEFANICS: Thank you. Any further discussion? Is there anybody who wants to speak on this resolution? Any experts?

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

XVI. B. Commissioner Issues and Comments (Non-Action Items)

CHAIR STEFANICS: Commissioner Vigil. Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Madam Chair. First of all, I see that Robert Martinez isn't here but I still want to thank Robert and the Roads Department for chip-sealing Camp Stoney Road. I drove the entire length the other day and was really impressed with what a great job they did and I'm sure that the residents thank them and especially all the kids who ride on the bus on that road in the winter. I think it's much safer now. So anyway, thank you to our roads crew.

The other thing that I wanted to talk about is last week I attended a Climate Leadership Academy which was sponsored by the Institute for Sustainable Communities. I was part of a team that was put together by Katherine Mortimer at the City and our team consisted of Katherine, Mayor Coss, Councilor Dominguez, Cindy Padilla and I. It was really an incredible workshop. There were teams from all over the country, literally, from New York City, from Metro DC, from North Carolina, Ft. Lauderdale, Florida, Twin Cities, Minnesota, Austin, Texas, Tucson. This was really very representative of what's happening in our country on the issue of climate change.

Now, the Institute for Sustainable Communities was actually originally founded by Madeleine Kunin, who was the Governor of Vermont. She spoke to us at the workshop which was kind of interesting. She was in town in Portland because she was doing a book-signing. She's just written a new book, which I'm definitely going to want to get a copy of and I think that other people might be interested too. The title of the book is *The New Feminist Agenda: Defining the Next Revolution for Women, Work and Family* and I think it's going to be very relevant.

But in any event, the subject of the workshop was Adaptation and Resilience, and it had to do with of course climate change. Now, what's interesting, or what I found interesting is that there's very little conversation going on at the federal and state level and what we're going to do about it. But at the local level – and this is where I was really encouraged – there's a huge amount that's happening. And I think that's because at the local level we have to deal with real problems, real issues that affect people in our community. So we're doing a lot. Extreme weather, which is probably an effect of climate change, is affecting communities across the country in a whole lot of different ways. People are out there, they're seeing it happen and we at the local government level are actually dealing with it.

We are adapting to climate change just naturally as we go along. Here in Santa Fe County of course we're really concerned about fire danger, fires in the mountains, water issues. We've been concerned about that for a long time. What I was interested in was that other areas have different kinds of problems that they're dealing with, like stormwater runoff. In Oregon, for example, they've had some really extreme – they've had several hundred-year

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rain events that have occurred over the course of just a couple of years. So they're really concerned about how are they going to deal with stormwater runoff. So they're doing things to deal with that.

Sea level rise is starting to occur around the country. It turns out that tides are coming in and they're actually starting to affect real homes in real communities in coastal communities. So there are local governments that are dealing with those issues. I'll have to say that a lot, a lot of progress has already been made all across the country. This made it one of the best things that I've done in this last year was going to this conference because I didn't – because I don't hear the conversations occurring in the new media, the state and local levels, I was thinking nothing's being done, but that's not true. There are things being done all across this country to deal with this.

But of course much, much more is required. But I just wanted to say many different communities have actually adopted climate change adaptation plans, and I think that we in our community should really consider looking at something like that, because it really brings out an interesting conversation about what's happening and how are we going to deal with it, and how are we going to solve the problems for the people in our communities.

So in one of the talks they had a very interesting comment, I thought, that I felt was really profound. This speaker said humans are the major agent of change on this earth now. We humans are designing our future every single day. And so we can make the decision as to what that future is going to be. Is it going to be negative? Or are we going to go in a positive direction, and we can do that. So, thank you, Madam Chair.

CHAIR STEFANICS: Thank you. I have three short comments. Voting started today and we had over 600 people come to the County Commission to vote today.

The Rail Trail ribbon-cutting, which is on Rabbit Road at the railroad tracks, had a multitude of families, dogs, children, current staff, past staff there for the ribbon-cutting Saturday morning. It was a bit nippy, but everybody had a good time and The Making Strides Against Breast Cancer Walk, I was truly amazed by the number of people who showed up from all over our county, city and county. The entire parking lot at Villa Linda Mall was packed with walkers that day. Packed. So a lot of businesses participated. We had a strong presence with Santa Fe County and I'd like to thank everybody for that. Commissioner Mayfield, you're next.

COMMISSIONER MAYFIELD: Madam Chair, just I've been receiving some emails very complimentary of different staff members in our Roads Department and I just wanted to say thank you staff for the great jobs that you're doing out there. That's all I have. Thank you.

CHAIR STEFANICS: Thank you. Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, a couple items. I want to invite the public and fellow Commissioners to a groundbreaking we're having this Thursday at noon, 12:00, at the Southern Region fire station. The Chief and the community and Edgewood and the prior Commission and this current Commission and residents of Edgewood and Stanley and support for mutual aid for Bernalillo County and Torrance County are going to augmented and improved in the region. And so it's also been a collaborative effort with the State Land Office. Commissioner Powell is going to be present as well as the Mayor and others, but I would invite my colleagues that are able to attend and

look forward to that enhancement over there in the southern part of the county that's greatly needed.

I also wanted to commend and thank for staff for coordination work on capital projects and coordination with communities at large relative to our planning and our ICIP and all the other departments. I think that our election staff is out there now working through the Clerk's Office and working hard to fill the need. There's a lot of volunteers and paid staff that help make it happen and seasonal staff, and I want to express my thanks to them and their diligence. So kudos to all those folks and I'm happy to hear that the walk went so well and as well as the other ribbon-cuttings mentioned and work at the County. So thank you, Madam Chair.

CHAIR STEFANICS: Thank you.

XIV. MATTERS FROM THE COUNTY ATTORNEY

1. Executive Session

a. Discussion of Pending or Threatened Litigation

CHAIR STEFANICS: We have now finished our business except for the executive session. Ms. Brown, do we have a need for an executive session?

MS. BROWN: We do, to discuss pending and threatened litigation.

CHAIR STEFANICS: Okay. Anything else?

MS. BROWN: Not that I'm aware of.

CHAIR STEFANICS: Okay. Is there a motion?

COMMISSIONER HOLIAN: Madam Chair, I move that we go into executive session where we will discuss pending or threatened litigation.

COMMISSIONER VIGIL: Madam Chair, I will second that and I have a question before a vote is taken on it.

CHAIR STEFANICS: Yes.

COMMISSIONER VIGIL: I would like to ask my colleagues, Commissioner Anaya and Commissioner Mayfield if they plan on participating in executive session.

COMMISSIONER ANAYA: Madam Chair, I think I'm going to reserve that to my actual vote, and I've asked similar questions of my colleagues on other votes and received no response, so until the vote's taken I don't know what I'm going to say.

COMMISSIONER VIGIL: Okay. And actually the reason I ask is because there is a case that we will be discussing that's in pending litigation that I'm going to make some recommendations on and it's just going to be nothing that action is taken on but it is going to be recommendations that may impact each and every one of our districts, and I did not want either Commissioner Anaya or Commissioner Mayfield to not be a part of hearing that, but because it is an executive discussion I wanted to mention that, Madam Chair.

CHAIR STEFANICS: Thank you.

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR STEFANICS: Yes.

COMMISSIONER MAYFIELD: Madam Chair, respecting Commissioner Vigil's statement, so if that is going to affect our districts I guess then we can discuss that when we come out of closed of what action is going to affect our districts?

CHAIR STEFANICS: Actually, if there are – and Ms. Brown, I'm not going to speak for legal. Would you please speak for that?

MS. BROWN: There is no action noticed on our agenda, so there will be no action following closed session.

COMMISSIONER ANAYA: Madam Chair.

CHAIR STEFANICS: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I guess I want to expand now. It was alluded to by Commissioner Holian in a prior meeting that it's essential for all Commissioners to be present in discussions in executive session. In any executive session that I go in I want to be clear to the public that if at any time there is something discussed in executive that deals with litigation or potential settlement, that I am vehemently opposed to then I would, in a public meeting, and I had this question that I asked Mr. Ross, disclose that. Disclose that I had concerns with whatever that agreement might be. And I appreciate the clarification, Ms. Brown, associated with impacts to the district, any impact to any district, any fiscal matters of any sort would have to be done in public, open session and noticed therein. So I guess, Commissioner Vigil, what are you alluding to –

COMMISSIONER VIGIL: What I'm alluding to that might be a benefit to you to gain a better understanding is when we're in executive session under the Open Meetings Act we are allowed to consider all kinds of alternatives when we're dealing with litigation. And in those discussions, no matter what, whether it's a district consideration, it is a Santa Fe Countywide issue, whether it winds up being an issue that's recommended for a district or a review. We are currently under – under the Open Meetings Act we are allowed to do that and it creates a larger benefit I think for the community. But you're right. We cannot take action on it, and I don't think we're prepared to take any action, particularly if you're in the process of litigation that you're in the beginning stages of one or you're looking at mediating or you're looking at what other alternative that Legal may be able to provide for us, all of those discussions need input, I think, from all of us, because we're all representing, not only our own districts, but we represent the best interests of the county as a whole. And I think with that in mind, with you not participating in that we don't have that perspective.

COMMISSIONER ANAYA: Madam Chair.

CHAIR STEFANICS: Yes.

COMMISSIONER ANAYA: Madam Chair, I'd like to say any impacts discussed behind closed doors, we're limited as to what we can discuss specifically around the issue at hand, whatever that might be. Any impacts that would reach beyond that would be done in public open session. Thank you.

CHAIR STEFANICS: Ms. Brown, anything else?

MS. BROWN: I'd just like a vote on whether we're going into closed session or not.

CHAIR STEFANICS: Right could we have a roll call please of the vote?

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

CHAIR STEFANICS: For members of the public, we are recessing into executive session. When we come back we will only adjourn. We will not take any action.

[The Commission met in closed session from 7:15 to 8:35.]

COMMISSIONER VIGIL: I move to come out of executive session. The only items discussed were litigation items. The only ones present were all five Commissioners, our County Manager, our attorney Ms. Brown, and our Deputy County Manager, Penny Ellis Green.

CHAIR STEFANICS: Thank you. Is there a second?

COMMISSIONER ANAYA: Second.

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

XVIII. ADJOURNMENT


Having completed the agenda and with no further business to come before this body, Chairwoman Stefanics declared this meeting adjourned at 8:35 p.m.

Approved by:




Board of County Commissioners
Liz Stefanics, Chairwoman

ATTEST TO:

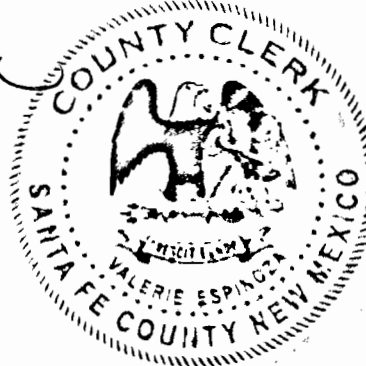


VALERIE ESPINOZA
SANTA FE COUNTY CLERK

Respectfully submitted:



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



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Buckman Direct Diversion Project



A joint regional project of the City of Santa Fe and Santa Fe County to build a reliable and sustainable water supply.

Date: October 9, 2012
To: Board of County Commissioners
From: Erika Schwender, CEP, Interim BDD Facilities Manager
Re: Update on BDD operations July through September 2012

This memo is intended to share with Board of Santa Fe County Commissioners operational procedures in place for the BDD facilities to provide the drinking water quality and services that people in Santa Fe County have come to expect from this project, while protecting the integrity of the BDD Facility

In May 2011, after the BDD Board officially accepted ownership and operation of the project, BDD staff implemented various operational policies that had been developed by the Design - Build contractor and were based on the original design criteria. These policies were reviewed and modified by BDD staff to provide excellent drinking water quality, protection of project-wide facilities and equipment and budget compliance. These policies were created taking into account various aspects, such as weather-related river water quality, water treatment cost, solids treatment and associated disposal costs, energy costs related to on-peak vs. off-peak pumping, partners' needs, etc. Additionally, during the summer of 2011 the BDD staff was confronted with the first big test on these operational policies, due to the Las Conchas Fire, and adjustments had to be made in the policies.

1. Review of diversion policies and factors impacting daily diversion and operation of the BDD

The following is a summary of factors considered in the operation of the BDD, the events in the first year or so of operations, and an explanation of how the policies and their revisions have worked so far:

- During the Las Conchas Fire the BDD had to respond to water quality issues associated with ash-laden storm water run-off. To minimize the amount of ash entering the treatment plant, BDD staff limited diversion operations to times when the river water quality was at turbidity levels less than 300NTU and / or the online VOC meter read less than "2".
- Between fall 2011 and winter 2011/12, additional monitoring and analytical comparisons established that no VOC compounds regulated by the Safe Drinking Water Act (SDWA) were detected in samples collected during storm events with online VOC meter detects of "3". Based on this analysis BDD increased the acceptable online VOC level to "3".
- Based on additional monitoring, in the winter 2011/12 BDD staff increased acceptable diversion river turbidity levels to 600NTU.
- In spring 2012, BDD established policies to address various water quality issues:



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- During traditional storm events that do not carry ash, diversions can take place until the river water quality parameters exceed turbidity levels of 600NTU and / or the online VOC meter detects levels greater than 3.
- During storm events carrying ash, river diversions can take place until river water quality parameters exceed turbidity levels of 300NTU and or the online VOC meter detects levels greater than 3.
- Between July 4th and August 15th monsoonal storms had drastically impacted the water quality in the Rio Grande. Storm water carries high sediment loading, which has a direct effect on treatment and solids disposal costs. To assure budget compliance and to minimize the possibility of having to dispose of solids containing elevated contaminant levels, BDD staff suspended diversion operations during storm events.
- Anytime flow rates through the Early Notification System station E109.9 exceed 5cfs, BDD staff stops water diversions.
- To allow travel time from Abiquiu Reservoir to the BDD diversion structure the BDD's San Juan Chama (SJC) water orders need to be placed at least one day before its actual diversion. Since the weather and raw water quality are unstable and fast changing during monsoon season, it is difficult to rely on SJC water alone for diversions during this period. To provide more flexibility in the currently established water rights accounting and utilization policy, the BDD partners are in the process of establishing agreements to allow the BDD to utilize native water rights during monsoon season and to "pay back" the utilized native water rights by diverting SJC water during the remainder of the year.
- Diversions were dramatically restricted through the majority of July 2012 due to disagreements between the Office of the State Engineer (OSE), US Fish and Wildlife Service's (USFWS), Bureau of Reclamation, Interstate Stream Commission (ISC) and the BDD regarding how to determine when Native Rio Grande flows require diversion curtailments. In October 2007 the BDD received the US Forest Service's (USFS) Record of Decision, which requires the BDD to follow and meet all requirements spelled out in the USFWS' Biological Opinion and to protect silvery minnow habitat from March to October. In July 2012, OSE notified BDD that based on their calculations the Rio Grande Native Flow would require the BDD to apply diversion curtailments. BDD, County, and City staff engaged in discussions with the OSE to address major differences between the OSE's method of determining when Native River Flows would require diversion curtailments and BDD's method, which was officially approved by the USFWS and BOR. On July 30, 2012, the BDD received the OSE's final decision stating the BDD can continue implementing the originally established procedures. This decision resulted in permission to divert the maximum allowable amount of native river water as spelled out in the USFWS' Biological Opinion, which for the month of August was 4.8 million gallons per day.
- To achieve budget compliance and follow established agreements between the Partners the BDD has been diverting mostly during off-peak hours. During June, July, and August electric rates are 6x's higher during on-peak (8am to 8pm) than during off-peak hours (8pm to 8am). The remainder of the year electric rates are 3x's higher during on-peak (8am to 8pm) than during off-peak hours (8pm to 8am).

2. Evaluation of reasons leading to extended shut-down during July and August 2012:

The extended shut down of the BDD in July and August of 2012 was due to a combination of factors.

- The original shut down was ordered because of impaired water quality (turbidity greater than 2000 NTU and heavy ash loading in the water) in the Rio Grande stemming from severe storm events during the night.

- Water quality in the Rio Grande remained impaired due to a series of thunder storms throughout July and August.
- The BDD operated with a focus of off-peak diversions / pumping and limiting any on-peak diversions.
- under the understanding that on-peak diversions should only take place in unavoidable circumstances, e.g. to conduct maintenance.
- Due to the unpredictability of the Rio Grande water quality it became impossible to place water calls for SJC water without risking the loss of this water.
- As explained above during these days the BDD was also informed to follow stricter curtailment procedures than had been originally established, which drastically reduced the amount of Native Rio Grande Water available for diversions.

3. BDD diversions in August and September 2012:

With the deminishing monsoon season, water quality in the Rio Grande improved drastically. While we observed during July 133 hours during which Turbidity levels in the Rio Grande exceeded 600 NTU, we encountered only 27 hours in September during which Turbidity levels were greater than 600 NTU. It is important to note, that the Turbidity of the Rio Grande is not the only decision making factor for whether or not to divert water from the river. For instance, many times the BDD does not divert due to flows from Los Alamos Canyon. Any time flows greater than 5cfs are observed at the Early Notification Station E109.9, the BDD stops all raw water diversions. Since flows of 5, 10, or 20 cfs would not impact the Turbidity levels in the Rio Grande enough to increase Turbidity beyond 600 NTU, these events would not be included in the number of hours the BDD experienced high turbidity in the river.

By the last week of August diversions and deliveries averaged in million gallon per day (mgd) as followed:

- a) Raw water diversions: 6.4 mgd
- b) Finished Drinking water deliveries through Booster Station 4A: 2.7 mgd
- c) Finished Drinking water deliveries through Booster Station 5A: 2.3 mgd
- d) Raw water delivery to Las Campanas at BS2A: 1.1 mgd

For the month of September the average diversion and delivery flows in mgd have been:

- a) Raw water diversions: 7.8 mgd
- b) Finished Drinking water deliveries through Booster Station 4A: 5.1 mgd
- c) Finished Drinking water deliveries through Booster Station 5A: 1.9 mgd
- d) Raw water delivery to Las Campanas at BS2A: 0.5 mgd

4. BDD Maintenance activities:

The BDD is in the process of cleaning and performing maintenance to the pre-sedimentation and raw water basins. The total water storage capacity of the two pre-sedimentation basins (2.5mg each) and the raw water basin (3mg) is 8 million gallons. The Raw water basin was out of service from 09/08/12 to 09/22/12 and the pre-sedimentation basin was taken off-line on 09/23/12. Due to the reduced water storage capacity during the maintenance period it becomes necessary to divert water from the Rio Grande during on-peak hours.

5. Electric cost evaluation for pumping 1 million gallons raw water to Booster Station 1A, Booster Station 2A / Las Campanas, and the BRWTP:

Furthermore, a comparison of on-peak (8am through 8pm) vs. off-peak (8pm through 8am) diversions revealed a dramatic increase in energy expenses associated with the 7.9 hours necessary to deliver 1mg of raw water to Las Campanas. The table below depicts costs associated with pumping 1 million

gallons of raw water from the river at Raw Water Lift Station (RWLS) to Booster Station 1A (BS1A), Booster Station 2A (BS2A), LC at Booster Station 2A, and the Buckman Regional Water Treatment Plant (BRWTP) during on-peak vs. off peak hours.

Water pumped from	Cost on-peak hours (June through September)	Cost on-peak hours (September through May)	Cost off-peak hours (January through December)
RWLS to BS1A	\$ 240	\$ 155	\$ 46
BS1A to BS2A	\$ 582	\$ 375	\$ 112
LC at BS2A (RWLS to BS2A)	\$ 822	\$ 530	\$ 158
BS2A to BRWTP	\$ 552	\$ 355	\$ 107
RWLS to BRWTP	\$1374	\$ 885	\$ 265

The following is a brief description of the process as well as time and pump requirements necessary to deliver 1mg to Las Campanas:

- To maximize performance, lifetime expectancy, and energy efficiency the BDD operates its pumps based on established pump curves
- The lowest pumping rate to pump water from BS2A to the BRWTP is 4.5 mgd
- Las Campanas' pump rate at BS2A is 3mgd
- In order to provide 1mgd to Las Campanas at BS2A the pump rate of the raw water pumps at the river has to be 7.5mgd
- With a pump rate of 3mgd it takes Las Campanas 7.9 hours to receive 1mg to BS2A
- During those same 7.9 hours the BRWTP received 1.5mg.
- Utilizing the table above we can establish the cost per million gallons pumped during on-peak and off-peak hours
 - 1mg to Las Campanas on-peak (June through August) \$822
 - 1mg to Las Campanas on-peak (September through May) \$530
 - 1mg to Las Campanas off-peak (January through December) \$158
 - 1mg to BRWTP on-peak (June through August) \$1374
 - 1mg to Las Campanas on-peak (September through May) \$885
 - 1mg to Las Campanas off-peak (January through December) \$265

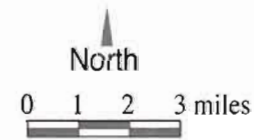
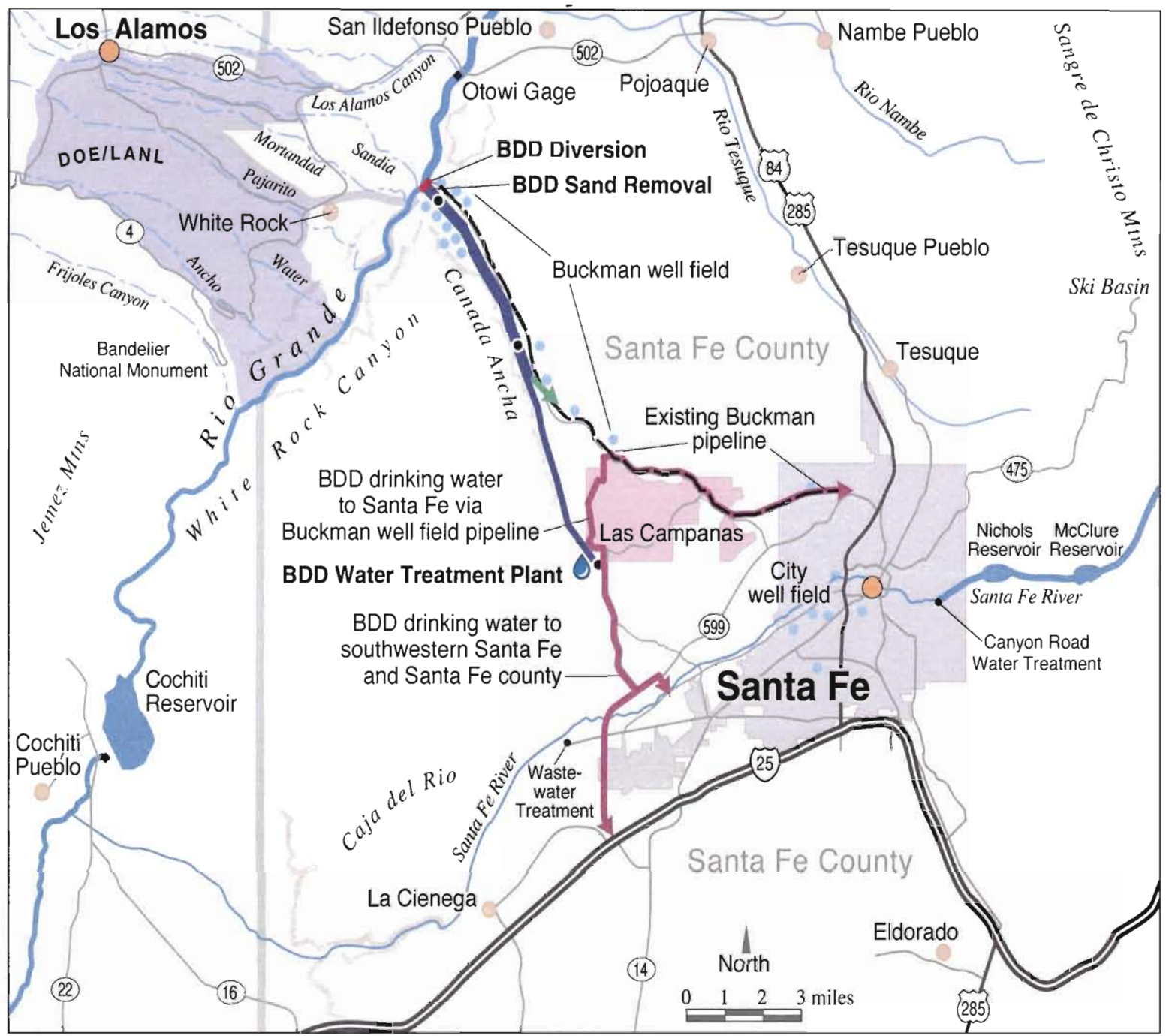
The table below describes the impacts of 30 day on-peak vs. off-peak pumping on electricity costs.

30 days of / diversions / pumping at a pumping rate of	Cost on-peak hours (June through September)	Cost on-peak hours (September through May)	Cost off-peak hours (January through December)	Total Cost
7.9 hours / 1mg to LC (BS2A)	\$24,660			\$24,660
7.9 hours / 1mg to LC (BS2A)		\$15,900		\$15,900
7.9 hours / 1mg to LC (BS2A)			\$4,740	\$4,740
3.9 hours on-peak, 4 hours / 1mg off-peak to LC (BS2A)	\$12,174		\$2,400	\$14,574
3.9 hours on-peak, 4 hours / 1mg off-peak to LC (BS2A)		\$7,849	\$2,400	\$10,249
7.9 hours / 1.5mg pumped to BRWTP	\$41,220			\$41,220
7.9 hours / 1.5mg pumped to BRWTP		\$26,550		\$26,550
7.9 hours / 1.5mg pumped to BRWTP			\$7,950	\$7,950
3.9 hours on-peak, 4 hours / 1.5mg off-peak to BRWTP	\$20,349		\$4,025	\$24,374
3.9 hours on-peak, 4 hours / 1.5mg off-peak to BRWTP		\$13,107	\$4,025	\$17,132

As can be seen in the table above, in order to accommodate on-peak pumping it would be necessary to adjust the BDD's budget to address the drastic increase in power/ electricity expenses.

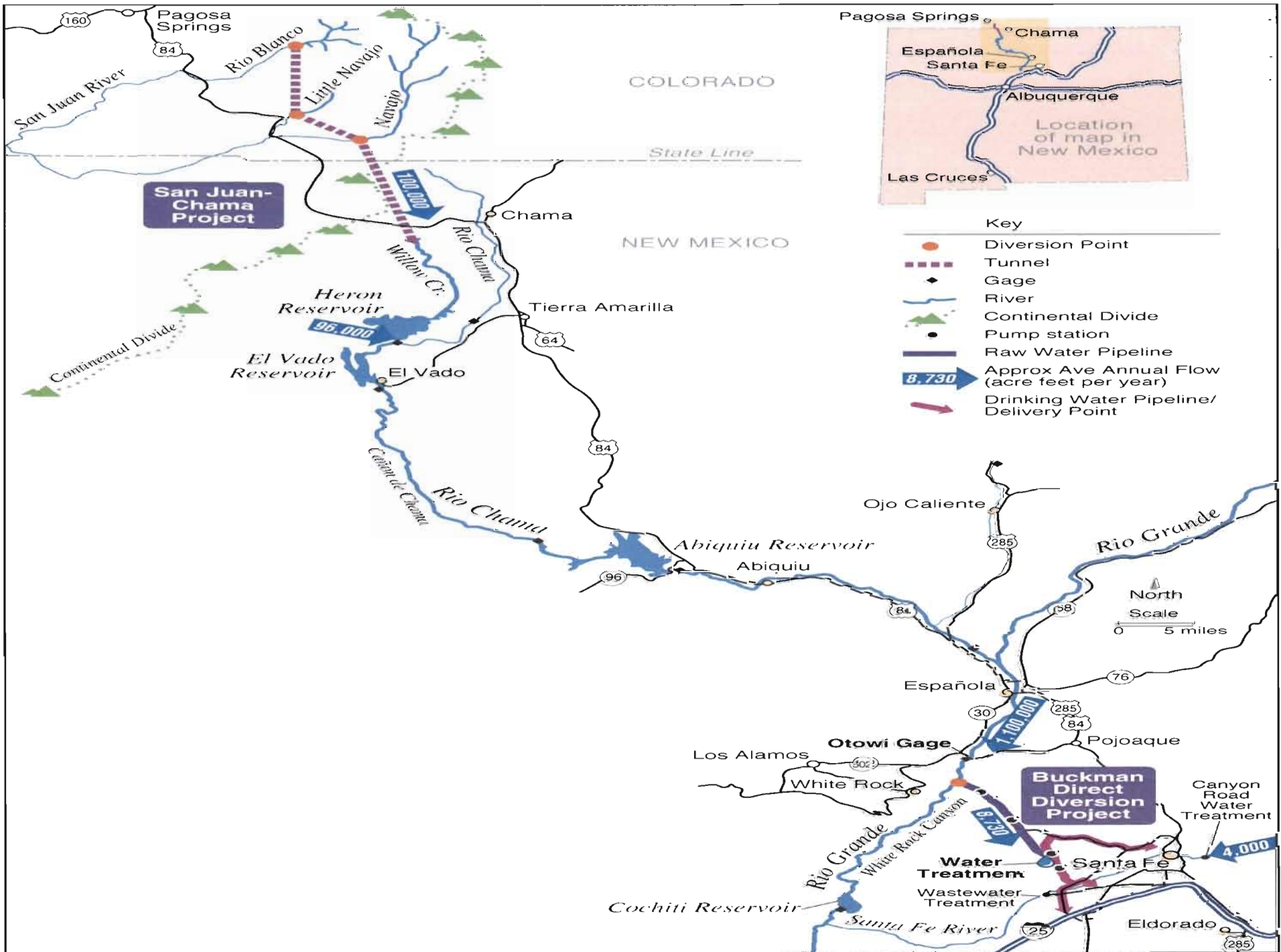
- BDD Facilities**
- Shared City/County and Las Campanas Raw Water Pipeline
 - City/County Raw Water Pipeline
 - City/County Drinking Water Pipeline
 - Pump Station
 - BDD Water Treatment Plant
 - Entry Point to Drinking Water System
 - Raw Water Delivery to Las Campanas

- Symbols**
- City
 - Town or Pueblo
 - City Well
 - Gage
 - Interstate Highway
 - Federal Highway
 - Other Paved Road
 - County Line
 - Rivers
 - Intermittent
 - Existing Pipeline from Buckman to Santa Fe



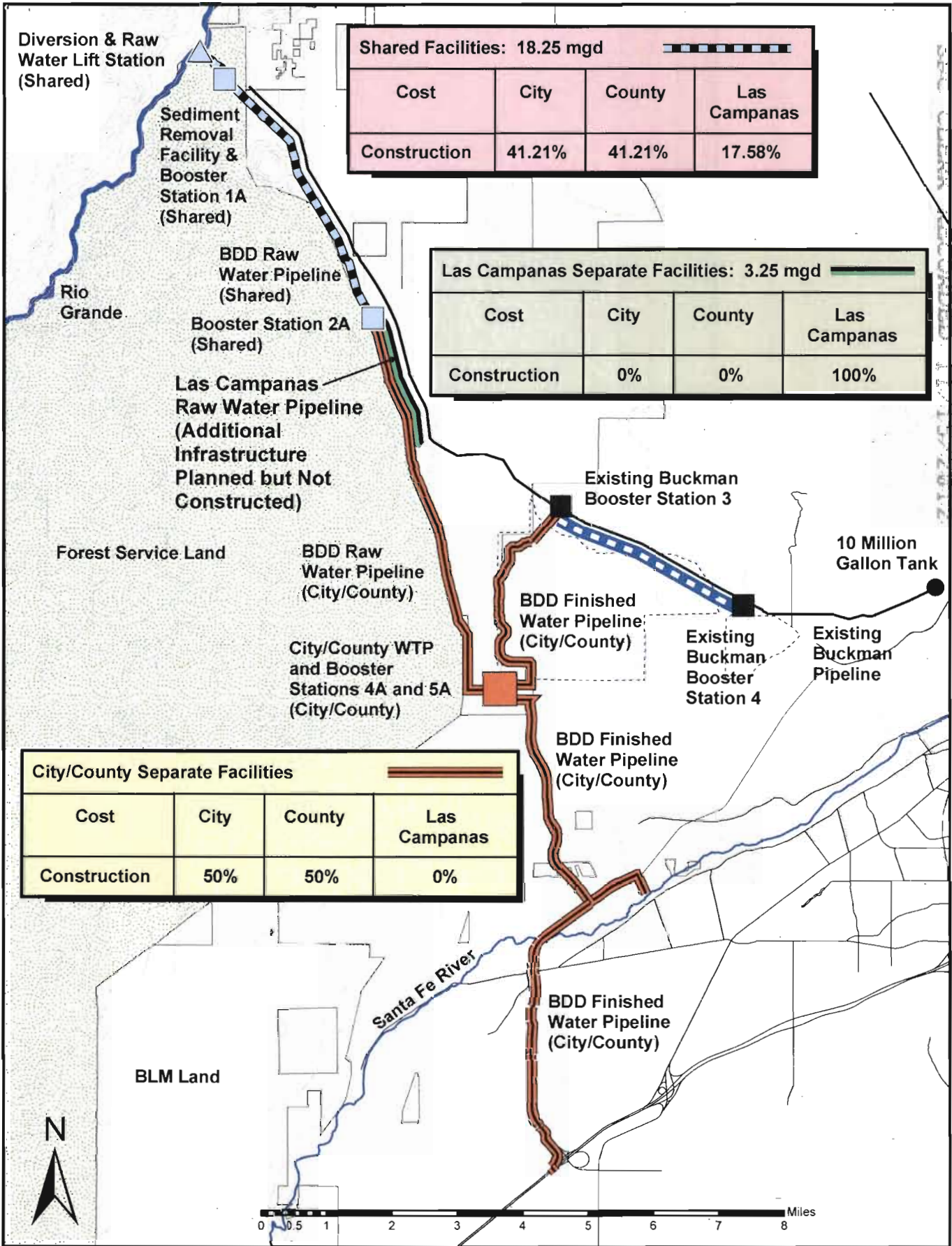
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- Key**
- Diversion Point
 - - - Tunnel
 - ◆ Gage
 - River
 - ▲ Continental Divide
 - Pump station
 - Raw Water Pipeline
 - ➔ Approx Ave Annual Flow (acre feet per year)
 - ➔ Drinking Water Pipeline/Delivery Point





Shared Facilities: 18.25 mgd

Cost	City	County	Las Campanas
Construction	41.21%	41.21%	17.58%

Las Campanas Separate Facilities: 3.25 mgd

Cost	City	County	Las Campanas
Construction	0%	0%	100%

City/County Separate Facilities

Cost	City	County	Las Campanas
Construction	50%	50%	0%

City of Santa Fe
 Santa Fe County
 Las Campanas LP

**Facilities Operations and Procedures
 Agreement Exhibit A REVISED
 Buckman Direct Diversion Project**

Approved and
 Adopted by BDD
 Board on _____

SEC. 4102. ORAL HEALTHCARE PREVENTION ACTIVITIES.

- (a) In General- Title III of the Public Health Service Act (42 U.S.C. 241 et seq.), as amended by section 3025, is amended by adding at the end the following:

PART T--ORAL HEALTHCARE PREVENTION ACTIVITIES**SEC. 399LL. ORAL HEALTHCARE PREVENTION EDUCATION CAMPAIGN.**

- (a) Establishment- The Secretary, acting through the Director of the Centers for Disease Control and Prevention and in consultation with professional oral health organizations, shall, subject to the availability of appropriations, establish a 5-year national, public education campaign (referred to in this section as the 'campaign') that is focused on oral healthcare prevention and education, including prevention of oral disease such as early childhood and other caries, periodontal disease, and oral cancer.
- (b) Requirements- In establishing the campaign, the Secretary shall--
 - (1) ensure that activities are targeted towards specific populations such as children, pregnant women, parents, the elderly, individuals with disabilities, and ethnic and racial minority populations, including Indians, Alaska Natives and Native Hawaiians (as defined in section 4(c) of the Indian Health Care Improvement Act) in a culturally and linguistically appropriate manner; and
 - (2) utilize science-based strategies to convey oral health prevention messages that include, but are not limited to, community water fluoridation and dental sealants.

SEC. 399LL-2. AUTHORIZATION OF APPROPRIATIONS.

- There is authorized to be appropriated to carry out this part, such sums as may be necessary.'
- (b) School-based Sealant Programs- Section 317M(c)(1) of the Public Health Service Act (42 U.S.C. 247b-14(c)(1)) is amended by striking 'may award grants to States and Indian tribes' and inserting 'shall award a grant to each of the 50 States and territories and to Indians, Indian tribes, tribal organizations and urban Indian organizations (as such terms are defined in section 4 of the Indian Health Care Improvement Act)'
- (c) Oral Health Infrastructure- Section 317M of the Public Health Service Act (42 U.S.C. 247b-14) is amended--
 - (1) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and
 - (2) by inserting after subsection (c), the following:
- (d) Oral Health Infrastructure--
 - (1) COOPERATIVE AGREEMENTS- The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall enter into cooperative agreements with State, territorial, and Indian tribes or tribal organizations (as those terms are defined in section 4 of the Indian Health Care Improvement Act) to establish oral health leadership and program guidance, oral health data collection and interpretation, (including determinants of poor oral health among vulnerable populations), a multi-dimensional delivery system for oral health, and to implement science-based programs (including dental sealants and community water fluoridation) to improve oral health.
 - (2) AUTHORIZATION OF APPROPRIATIONS- There is authorized to be appropriated such sums as necessary to carry out this subsection for fiscal years 2010 through 2014.

Evidence supports use of fluoride

Michael Landen | MyView

Santa Fe New Mexican Posted: Saturday, October 06, 2012

I am writing this letter to express my support for continued water fluoridation for the city of Santa Fe.

For more than a half-century, community water fluoridation has been the cornerstone of dental caries prevention in the United States. Water fluoridation is the controlled addition of a fluoride compound to a water supply to help reduce the incidence of tooth decay and other oral diseases. Fluoride is applied in two forms: topical and systemic. Topical fluoride may be found in toothpastes, mouth rinses and applied fluoride varnish. Systemic fluorides are ingested through fluoridated water or dietary fluoride supplements.

Some communities have naturally occurring fluoride in their water supplies. Fluoride also can be added to water systems' source water to increase fluoride up to the optimal levels as recommended by the Environmental Protection Agency and the U.S. Centers for Disease Control and Prevention.

I understand the Santa Fe City Council is considering stopping the addition of fluoride into the city's water system. I realize that this topic is not without controversy. Opposition includes concerns that adding fluoride to water systems may contribute to health problems, such as the development of bone cancer. A number of studies have been conducted to assess whether there is an association between drinking-water fluoridation and cancer. Several independent expert panels of epidemiologists have reviewed the relevant scientific literature and concluded there is no credible evidence for an association between either naturally occurring fluoride or adjusted fluoride in drinking water and risk of cancer in people. Furthermore, the International Agency for Research on Cancer has determined that the carcinogenicity of inorganic fluoride used in drinking water is not classifiable, which suggests lack of carcinogenicity.

Opponents also claim that the warning labels found on toothpaste identify a health concern due to the fluoride. Products such as toothpaste are required by the Food and Drug Administration to have a label to identify the contents of the product. An additional claim is made that Europe has stopped providing fluoride to its residents. In fact, table salt fluoridation is widely used in Europe. Another claim is that fluoride is harmful because it causes fluorosis. Dental fluorosis occurs among people in some communities — even those that do not have fluoride in their water systems. Experts believe that the main reason for fluorosis is that some children swallow fluoride toothpaste. Small amounts of fluoride are added to toothpaste or drinking water to help prevent dental decay. However, exposure to higher levels of fluoride may result in dental fluorosis. Therefore, the Centers for Disease Control recommends that parents supervise their children while tooth brushing and only apply a pea-size amount of toothpaste.

Community water fluoridation is a scientific, evidence-based strategy that has been proven to help prevent oral disease. Individuals without access to preventive dental services, especially children, benefit from the exposure to fluoridated water to prevent tooth decay.

Therefore, on behalf of the New Mexico Department of Health, I encourage and support continued water fluoridation for the city of Santa Fe.

Dr. Michael Landen, MPH, is the state epidemiologist with the New Mexico Department of Health.



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Portland votes to add fluoride to its drinking water as opponent effort

EXHIBIT
4

Published: Wednesday, September 12, 2012, 9:15 PM Updated: Thursday, September 13, 2012, 9:20 AM
By Beth Slovic, The Oregonian

The Portland City Council **voted 5-0** during a raucous public meeting Wednesday morning to add fluoride to Portland's drinking water, ending the city's status as the only major U.S. city that hasn't approved fluoridation.

But opponents immediately **vowed to try to thwart the effort** by gathering enough signatures in 30 days to block the plan and force a public vote.

The unanimous decision -- affecting about 900,000 residents in Portland, Gresham, Tigard and Tualatin -- followed a **nearly seven-hour hearing Sept. 6** in which people on both sides of the issue traded statistics and made impassioned pleas. Some argued that fluoride effectively fights tooth decay, for example, while others characterized fluoridation as forced medication.

Wednesday, the typically placid council chamber occasionally erupted in disorder. Mayor Sam Adams ejected several audience members and repeatedly reminded others to remain quiet. Some held anti-fluoride signs, booed and gave the elected officials a thumbs down. One protester unfurled a white sheet from a balcony. "Public water deserves a public vote," the homemade banner read.

Council members were undeterred. "This is the right thing to do, and I'm pleased to vote aye," said Commissioner Dan Saltzman, drawing jeers from the crowd.

Commissioner Amanda Fritz seemed to be the only one with misgivings, voting yes only after a lengthy prepared speech that revealed sympathy for opponents. Fritz is the only member who faces re-election in November. Her opponent, state Rep. Mary Nolan, had called on the council to back fluoride as an "equity" issue.

Adams and Commissioner Randy Leonard, who both decided not to seek re-election, leave office Dec. 31. Saltzman and Commissioner Nick Fish are in the middle of their terms.

Fluoride opponents vowed last month **to launch an initiative** to put the question of fluoridation to a public vote in May 2014. Then Leonard, the City Council's chief fluoride proponent, pledged to have fluoridation up and running March 2014.

"Why can't he wait two months?" opponent Kim Kaminski asked Wednesday. "What's the rush?"

A referendum -- which would directly challenge the city's plan rather than seek a general ban on fluoride -- needs about 20,000 valid signatures in 30 days to go forward.

But if anti-fluoride activists gather those signatures, the city's ordinance will be suspended pending a public vote in May 2014, the earliest possible date under election rules.

Portlanders have voted against fluoridation three times, most recently in 1980. This time, opponents said they have 125 volunteers and expect to have 25 paid signature-gatherers. They declined to say how much money they expect to raise through their newly formed political-action committee, Clean Water Portland.

"This is not an issue for the faint of heart," Leonard reminded his colleagues during the vote.

Portland Approves Fluoridation by '14

By KIRK JOHNSON

Portland, Ore., which never fluoridated its water supply and over time earned the distinction as the biggest city in the country to just say no, reversed course on Wednesday with a unanimous vote by the City Council to add fluoride beginning in early 2014.

The decision, which will cost the city about \$5 million to carry out, was seen by both supporters and opponents as fraught with significance. Many Portlanders treasure their city's quirky distinctiveness. Others said its leadership role as the largest city in a state that is mostly nonfluoridated — and has some of the worst tooth-decay problems in the nation, according to various medical studies — made the new course long overdue.

The city's water system serves about 900,000 people, or almost one-fourth of Oregon's population, including some in communities outside the city limits.

"It isn't just time for Portland to enter the 21st century — we have some business to make up from the 20th century," said Randy Leonard, the public safety commissioner, who was interrupted several times by shouts from the audience. "This is not an issue for the faint of heart."

Hundreds of people converged on City Hall last week for a public hearing lasting more than six hours, and residents once more packed the council chambers on Wednesday as the five commissioners, including the mayor, Sam Adams, explained their reasons at length before casting their votes.

The politics of fluoride have always been complicated. In some places in years past, opponents saw Communist plots. In Portland, social policy and health policy melded as residents and elected officials debated whether adding the compound in tiny quantities would reflect the liberal social goals that the city had become famous for, sometimes to parody.

Mr. Adams specifically said in an open letter to residents that his support for the idea was based on the social equity goals that he said it would advance and that he had been elected to achieve. Tooth decay, he said, is disproportionately a problem of the city's poor and its minority populations, with research showing that young children suffering from poor dental health miss more school and fall behind.

Opponents said the science on fluoride, despite more than half a century of experience in some American cities, was still uncertain. But an equal or greater irritant, many said, was that the council was moving ahead without a public vote, and on an accelerated schedule — fluoridation is to be put into effect in only about 18 months — which could make a public ballot challenge difficult.

Portland last considered — and rejected — fluoridation in a referendum in 1980.

The commissioner of public utilities, Amanda Fritz, a former nurse, said that some complaints about the council's work on the issue were valid, including those of neighboring communities that said they were not consulted. She was also troubled that questions about the process had overshadowed a debate on the medical merits.

"The way we get there does matter," she said. But she added that everything in her background as a nurse and mother, combined with what she had learned in preparing for the vote, convinced her that fluoridation was the right course.

Fluoride in low quantities is natural in most fresh water supplies, including Portland's. Boosting the level to around 0.7 parts per million, though, has been found by numerous studies to help protect teeth from cavities.

The Centers for Disease Control and Prevention has called the introduction of fluoride in municipal drinking water after World War II one of the 10 greatest achievements in public health of the 20th century, up there with vaccination and motor vehicle safety improvements.

But even as the commissioners explained their positions, some audience members held signs on their laps for the cameras, in vigils of mute protest. "Public water public vote!" the signs said.

REC'D PERK RECORDED 11/15/2012