

**SANTA FE COUNTY**  
**BOARD OF COUNTY COMMISSIONERS**  
**MEETING**

**November 10, 2009**

Michael Anaya, Chair – District 3  
Harry Montoya, Vice Chair – District 1  
Kathy Holian – District 4  
Liz Stefanics – District 5  
Virginia Vigil – District 2

**SANTA FE COUNTY**  
**REGULAR MEETING**  
**BOARD OF COUNTY COMMISSIONERS**

**November 10, 2009**

This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 1:15.m. by Chair Mike Anaya, in the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

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

**Members Present:**

Commissioner Mike Anaya, Chair  
Commissioner Harry Montoya, Vice Chair  
Commissioner Kathleen Holian  
Commissioner Liz Stefanics  
Commissioner Virginia Vigil

**Members absent:**

[None]

**V. INVOCATION**

An invocation was given by Adamina Pino from the Finance Department.

Chairman Anaya read a poem by Jerrett Jenkins and moment of silence was observed in commemoration of Veterans Day.

**VI. APPROVAL OF AGENDA**

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- B. Tabled or Withdrawn Items**

ROMAN ABEYTA (County Manager): Mr. Chair, we do have amendments to today's agenda. The first coming under X. Matters from the Commission, item D, a

proclamation to honor and remember the life of Benjamin E. Martinez has been tabled.

On the Consent Calendar, XI. A. Community Funds, we added an item 2, which is approval of an expenditure of community funds in the amount of \$300 in support of the Pojoaque Valley High School Elks basketball program. Page 3 of the agenda, under Miscellaneous, item 1, request approval to convert current temporary position to full-time employee, that item will be withdrawn from the agenda. We will be able to work that out without having the Board take action.

Page 5 of the agenda, XII. Staff and Elected Official Items, A. County Surveyor, the request to increase the County Surveyor's salary. I received a memorandum from the surveyor requesting that this item be withdrawn from the agenda.

CHAIRMAN ANAYA: And I believe that the Board thought, because I wasn't at the last meeting, that I put this on the agenda?

COMMISSIONER VIGIL: May I explain that?

CHAIRMAN ANAYA: Yes, you may.

COMMISSIONER VIGIL: I think when we saw it on the agenda, the Board members had a question as to whether or not it was pushed forth and I said the only one that I haven't spoken of and in all fairness to you I wanted to save this and I thought you should be here if you did for advocacy for this.

CHAIRMAN ANAYA: Okay. Thank you. Go ahead, Roman.

MR. ABEYTA: Item B. Human Resources, 1, request approval of the resolution modifying rules and regulations of the HR Handbook, that item will be tabled. Page 6 of the agenda, D. Growth Management Department, we added item 3, which is staff recommendation for final conjunctive management well locations and water right permitting.

Under Matters from the County Attorney, F, we added 3, consideration and approval of the memorandum of agreement between the City of Santa Fe and the County of Santa Fe for deferred road maintenance in the Phase One annexation area.

Page 7 of the agenda, under Public Hearings, items number 7, Santa Fe Opera Master Plan Extension, item 8, Sandstone Pine Estates, and item 9, Village at Galisteo Basin Preserve are all tabled.

And those are staff's amendments, Mr. Chair.

CHAIRMAN ANAYA: Any questions of Roman on the agenda and any other changes? Hearing none, is there a motion?

COMMISSIONER HOLIAN: Move for approval with amendments.

COMMISSIONER MONTOYA: Second.

CHAIRMAN ANAYA: Motion by Commissioner Holian, second by Commissioner Montoya. Any further discussion?

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

## **VII. APPROVAL OF CONSENT CALENDAR**

### **A. Consent Calendar Withdrawals**

CHAIRMAN ANAYA: is there any withdrawals from the Consent Calendar from the Commission? Hearing none, is there any motion?

COMMISSIONER MONTOYA: Move for approval.

COMMISSIONER HOLIAN: Second.

CHAIRMAN ANAYA: Motion by Commissioner Montoya, second by Commissioner Holian. Any further discussion?

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

## **XI. CONSENT CALENDAR**

### **A. Community Funds**

- 1. Discussion and Possible Approval for an Expenditure of Community Funds in the Amount of \$500 in Support of the Pojoaque Middle School History Club (Commissioner Montoya)**
- 2. Approval for an Expenditure of Community Funds in the Amount of \$300 in support of the Pojoaque Valley High School (PVHS) Elks Basketball Program (Commissioner Montoya) [*Exhibit 1: Staff Memo*]**

### **B. Budget Adjustments**

- 1. Resolution 2009-208. A Resolution Requesting an Increase to the General Fund (101) to Budget Available Cash Balance to Purchase the Santa Fe Canyon Ranch / \$7,000,000 (County Manager's Office)**
- 2. Resolution 2009-209. A Resolution Requesting an Increase to the Community Development Block Grants Fund (250) to Budget a Grant Awarded Through the NM Department of Finance and Administration for the Valle Vista Wastewater Treatment Plant/ \$500,000 (Growth Management Department)**
- 3. Resolution 2009-210. A Resolution Requesting an Increase to the Water Enterprise Fund (505) to Budget Cash Carryover from Capital Reserves for the Valle Vista Wastewater Treatment Plant / \$770,000 (Growth Management Department)**
- 4. Resolution 2009-211. A Resolution Requesting an Increase to the Water Enterprise Fund (505) to Adjust the FY2010 Budget to the Available Balance for a Grant Awarded Through the NM Environment Department for the Agua Fria Sewer/Ben Lane Project / \$50,000 (Growth Management Department)**

5. **Resolution 2009-212. A Resolution Requesting an Operating Transfer from the General Fund (101) to the Property Valuation Fund (203) to Transfer Salary Savings to Make Salary Adjustments to Various Employees for the Assessor's Office/\$17,384 (County Assessor's Office)**
  6. **Resolution 2009-213. A Resolution Requesting an Increase to the Law Enforcement Operations Fund (246) to Budget Insurance Recovery Revenue for Capital Expenditures/\$14,863.06 (County Sheriff's Office)**
  7. **Resolution 2009-214. A Resolution Requesting an Increase to the Law Enforcement Operations Fund (246) to Budget Funds Awarded Through the US Department of Justice to Purchase Safety Vests/\$5,485 (County Sheriff's Office)**
  8. **Resolution 2009-215. A Resolution Requesting an Increase to the Fire Protection Fund (209) to Adjust the Original Budget to the Actual FY 2010 Fire Fund Allotment and to Carry Forward the FY 2009 Available Cash Balance for the State Penitentiary Fire District/\$123,803 (Community Services Department/Fire)**
  9. **Resolution 2009-216. A Resolution Requesting an Increase to the Fire Operations Fund (244) / Emergency Preparedness to Budget a Sub-Grant Agreement Amendment Awarded through the NM Department of Homeland Security & Emergency Management to Purchase a Decontamination Trailer/\$272,000 (Community Services Department/Fire)**
  10. **Resolution 2009-217. A Resolution Requesting to Establish the Capital Outlay Gross Receipts Tax Revenue Bond Series 2009 Fund (336) to Budget Bond Proceeds Totaling \$12,745,126 Issued for the Acquisition of Water Rights (Finance Division)**
- C. **Miscellaneous**
1. **Request Approval to Convert Current Temporary Position to Full-Time Employee to Allow for Continuation of the Ongoing Clerk's Scanning and Digitization of Grantor/ Grantee Index Books Project (County Clerk's Office) TABLED**
  2. **Approval of a Memorandum of Agreement Between Santa Fe County and the NM Department of Health for Funding the United Way Project Launch Program to Allow for Payment of Program Activities in Federal Fiscal Year 2010 in the Amount of \$733,000 (Health and Human Services Department)**
  3. **Approval of a Professional Services Agreement Between Santa Fe County and the United Way of Santa Fe County for Funding the United Way Project Launch Program to Allow Payment for**

- Program Activities in Federal Fiscal Year 2010 in the Amount of \$733,000 (Health and Human Services Department)**
4. **Request Approval of a Donation Agreement to Accept Approximately 2.7 Acres of Land on the Santa Fe River from the Trust for Public Land (Community Services Department)**
  5. **Requesting Approval of Fourth Amendment to the Professional Services Agreement, Contract No. 26-0606-PW/JC, With Southwest Archeological Consultants, Inc., for Archaeological Testing, Data Recovery and Architectural Survey for Agua Fria Phase III Project in the Amount of \$175,707.63 (Inclusive of Tax) for Additional Archaeological Services Required on Agua Fria Due to the Discovery of Unforeseen Features and an Increase in Artifact Recovery that Require Additional Excavation, Analysis, Final Report Entries and Artifact Curation. Also Requesting Approval for the Extension of this Contract to June 30, 2011(Growth Management Department)**
  6. **Resolution No. 2009-218. A Resolution Authorizing the County Manager to Execute the Construction Contract for the South Meadows Road Improvement Project IFB # 2010-0037 PW/MS to the Lowest Responsive Bidder (Growth Management)**
  7. **Request Approval of Inmate Confinement Agreement with the Pueblo of Sandia (Corrections Department)**
  8. **Request Approval of Inmate Confinement Agreement with Socorro County (Corrections Department)**
  9. **Request Approval of Inmate Confinement Agreement with Mora County (Corrections Department)**
  10. **Request Approval of Inmate Confinement Agreement with the Pueblo of Cochiti (Corrections)**
  11. **Request Approval of Inmate Confinement Agreement with Quay County (Corrections)**
  12. **Request Approval of Inmate Confinement Agreement with Taos County (Corrections)**
- D. Findings of Fact**
1. **CDRC Case V 09-5150 Horacio and Pauline Herrera Density Variance. Horacio and Pauline Herrera, Applicants, Request a Variance of Article III, Section 10 (Lot Size Requirements) of the Santa Fe County Land Development Code to Divide 5.11 Acres Into Two (2) Lots for the Purpose of a Family Transfer Land Division. The Subject Property is Located At 12 Juniper Road, Within Section 31, Township 15 North, Range 9 East. Commission District 3) APPROVED 5-0**



2. **CDRC Case V 09-5170 Marcos Arguello Density Variance.** Marcos Arguello, Applicant, Requests a Variance of Article III, Section 10 (Lot Size Requirements) of the Santa Fe County Land Development Code to Allow a Second Dwelling on 1.25 Acres. The Subject Property is Located At 2B Los Tres Vecinos, Which is off Camino Cruz Corta, Within Section 36, Township 17 North, Range 8 East. (Commission District 2) **APPROVED 5-0**
3. **CDRC Case # V 08-5280 Sandoval Variance,** David Sandoval, Applicant Requested a Variance of Article III, Section 10 (Lot Size Requirements) of the Land Development Code to Allow a Second Dwelling Unit on 1.25 Acres. The Property is Located At 36A Emily Road Via I-25 East Frontage Road, Within Section 34, Township 16 North, Range 8 East, (Commission District 5). **DENIED**
4. **CDRC CASE # V 09-5050 Joe Albillar Variance.** Joe Albillar, Applicant, Requested a Variance of Ordinance 2008- 10 to Allow Access Through Paseo de Angel Which Does Not Have All Weather Access for a 2-Lot Family Transfer Land Division. The Property is Located At 80 Paseo de Angel, Within the Traditional Historic Community of La Cienega/ La Cieneguilla Section 21, Township 16 North, Range 8 East, Santa Fe County (Commission District 3) **DENIED**
5. **CDRC CASE # V 08-5390 Gilbert Montoya Variance.** Gilbert Montoya, Applicant, Requested a Variance of Ordinance 2008-5 and Article III, Section 10 (Lot Size Requirements) to Allow a Second Dwelling Unit on .950 Acres. The Property is Located At 139B Camino del Rincon in Pojoaque Within Section 19, Township 16 North, Range 8 East, (Commission District 3) **APPROVED 3-1**
6. **CDRC CASE # APP 05-5040 Kirkpatrick Family Transfer Appeal.** Robin Sommers, Appellant, Shelby Robinson, Agent, Requested an Appeal of the County Development Review Committee's Decision to Uphold the Land Use Administrators Decision to Approve a Request By James Kirkpatrick for a Family Transfer Land Division of Four 20-Acre Lots Into Eight 10-Acre Lots (Case # DL 05-3026). The Property is Located At 8, 28A, 28B and 28C Shaggy Peak Trail, Within Section 22, Township 16 North, Range 10 East (Commission District 4) John M. Salazar, Case Manager (**DENIED**)

## **VIII. APPROVAL OF MINUTES**

### **A. Approval of October 16, 2009 BCC Minutes**

COMMISSIONER STEFANICS: Mr. Chair, I'll move approval.

COMMISSIONER HOLIAN: Second.

CHAIRMAN ANAYA: Commissioner Stefanics, motion, second by Commissioner Holian. I'll abstain since I wasn't here.

**The motion passed by unanimous [4-0] voice vote. [Chairman Anaya abstained.]**

## **IX. MATTERS OF PUBLIC CONCERN –NON-ACTION ITEMS**

CHAIRMAN ANAYA: Is there anybody in the audience that would like to come forward and talk? Sir. How many people want to talk in Matters? Three, four. Okay. Sir, if you want to state your name.

JOHN MILES SMITH: Yes, my name is John Miles Smith, and I would like to make a comment during Karen Torres' section of the agenda concerning the staff recommendations for the conjunctive well locations, and if I can speak during that section I would like to do that. And if I can't speak during that section, which is a staff item, then I'd like to speak now.

CHAIRMAN ANAYA: Well, we usually wait till we hear this, but John, can you speak on it briefly?

MR. SMITH: Would you prefer me to speak on it at the time?

CHAIRMAN ANAYA: If you don't mind.

MR. SMITH: Yes, I prefer to do that.

CHAIRMAN ANAYA: Thank you, John. Anybody else? Come on up, sir.

JOSH ANDERSON: Thank you, Mr. Chair, fellow Commissioners. My name's Josh Anderson. I'm here representing the public employees' union AFSCME, which represents roughly 150 County employees here in Santa Fe County. I wanted to briefly touch on the negotiations that are going on right now. I don't want to talk about specifics. I know that this isn't the appropriate venue for that. I just wanted to bring to your attention, I believe we've been in negotiations since roughly April of this year. Just wanted to get a little bit of public discussion on this. All we want to do is encourage this Board to understand that we've been in negotiations for a while. I know there's obviously two sides to every story on how negotiations go out so I really don't want to get into that, but I just wanted to encourage this Board to maybe give some direction so that maybe we can sit down and try to get negotiations done as soon as possible. I know we have Thanksgiving right around the corner and Christmas and the holiday season so we're looking at January before some of these things maybe get done if we keep going at the pace that we're at. So I just want to encourage this body to talk a little bit about it, maybe get an update from the County. I know you guys



are going to be going into executive session to discuss collective bargaining but maybe we could get some public discussion from your County Manager and other members of the bargaining team on the County's side and we can talk a little bit about trying to speed this process along so we can get negotiations done as soon as possible. Thank you, Mr. Chair.

CHAIRMAN ANAYA: Thank you, Josh, for being here.

ANDREW PADILLA: Mr. Chair, members of the Commission, my name is Andrew Padilla and I'm the president of AFSCME Council 18, representing 10,000 employees including the County employees of Santa Fe 1782. I stand here in support and ask and urge your support as elected officials in the governing body of Santa Fe County and again I want to echo as Josh Anderson just said we have been at the table. I'm not a member of the negotiating team, however, President Lucero is a member of Council 18 and we have been at the table since the beginning of the year.

I know that we are in rough times economically throughout this state. We represent several state employees as well as City of Santa Fe employees and there are drastic times and they do call for drastic measures. However, this governing body has been very conservative in how they've moved forward in budgeting and we understand that. We've had economists look at that. We've been working as diligently as possible with the negotiating team of the Commission's Board in trying to move forward. However, it seems to have stalled, I guess, for lack of a better word.

We urge your support. You have some fine employees and members of AFSCME that can help move forward. As Josh mentioned, we are coming upon the holidays. There's talk about we get into the snow removal and different things and we want to make sure that there's no unrest with labor. So again, we ask for your support for the local and the employees and also I know that brothers and sisters as firefighters that you guys have as well. So I stand for any questions.

CHAIRMAN ANAYA: Any questions of Andrew? Thank you, Andrew. Sir.

MITCH BUSZAK: My name is Mitch Buszak. Good afternoon, Mr. Chair, members of the Commission. I might not be as diplomatic as the previous two speakers. I would like to suggest and request that the Board terminate the contract of Ms. Dina Holcomb who's been contracted by the County as a negotiator in different roles with the different locals.

I feel I have standing to make this request because I had personal experience with her with regard to negotiations with the NEA at the school district. My observations were she was very successful at a couple things. One was she made a lot of money off the school district, and the second thing there was no contract reached during her contract term. At the point in time where her contract was terminated by the board, as my memory serves me, it took no more than 30 days for all parties to reach agreements on the school district and the NEA local. I guess there's a number of issues that come up in my mind. The biggest one is that she and her friend, John Martinez Firm have a reputation as a union-busting firm and the conduct of her in these negotiations is one that seeds and encourages conflict and a real disrespect for the employees. My experience with the school district was that knowing the

members of the board, they're all courteous, they're kind, they're gentlemanly or gentlewomanly. There's a decorum that the board puts forward which was not expressed by this person in negotiations. And I just don't think it serves the County at any level to have somebody that creates that kind of hostility in what should be a negotiating environment.

So I think that's my comments. Any questions? Thank you very much.

CHAIRMAN ANAYA: Thank you very much. Anybody else? Sir. Come forward.

PAUL WHITE: Thank you. My name is Paul White and I'd just like to say as taxpayer I want to see an environment that is employee-friendly. Thank you.

CHAIRMAN ANAYA: Thank you, Paul. I have a question, Paul. Where do you work?

MR. WHITE: I'm self-employed. I work in Chupadero.

CHAIRMAN ANAYA: Okay. Thank you.

DANIEL TRUJILLO: Good afternoon, Commissioners. My name is Daniel Trujillo. I'm the president of AFSCME Local 3999, City of Santa Fe employees. And I would just ask that you direct your management team to work with the union, with the firefighters and AFSCME people. They're supposed to be in there negotiating, not fighting with each other. With Mrs. Holcomb it is very difficult.

CHAIRMAN ANAYA: Okay. Thank you, Daniel.

DEWEY HOLIDAY: Mr. Chair, Commissioners, my name is Dewey Holiday. I'm the president of IFF Local 4366, and I guess I would ask the Commission to question the fiscal responsibility of utilizing an outside consultant to lead negotiations at the cost of about \$38,000 over the last 18 months, when the deputy chief of Santa Fe County Fire Department has negotiated well over 10 contracts as both as a union rep and as a management rep for the City of Santa Fe. Personally, I don't feel that's fiscally responsible of the County. That's it. Any questions?

CHAIRMAN ANAYA: Questions of Mr. Holiday? Commissioner Montoya.

COMMISSIONER MONTOYA: I'm just curious. Of all the negotiations that we have going on, Mr. Holiday, why haven't we been able to get ground rules with the firefighters?

MR. HOLIDAY: Commissioner Montoya, we do have ground rules with the firefighters.

COMMISSIONER MONTOYA: That is not my understanding, that we haven't even been able to agree on ground rules like one person speaks at a time, show respect, that sort of thing. We haven't even gotten ground rules in terms of the negotiation process and I'm asking you why.

MR. HOLIDAY: Commissioner, we do have ground rules and I can forward a copy of those ground rules to you if you'd like.

COMMISSIONER MONTOYA: If you would please.

MR. HOLIDAY: I will.

COMMISSIONER MONTOYA: Thank you.

CHAIRMAN ANAYA: And you follow the ground rules?

MR. HOLIDAY: I'm not on the team so I can't speak to that. I don't know if we do follow the ground rules. I would hope that we do. My understanding is that we do have ground rules. We've had several meetings.

COMMISSIONER MONTOYA: Without ground rules, is my understanding again. So, thank you, Mr. Chair.

CHAIRMAN ANAYA: Thank you, Commissioner. Thank you. Sir.

JOEL VILLARREAL: Mr. Chair and Board of Commissioners. My name is Joel Villarreal. I'm the vice president of AFSCME, Council 18. I'm here on behalf also of 1782. I think that some of the issues here – everyone's been speaking in generalities and I think to a certain extent to the benefit and goes into the agreement that they have that you don't talk about specifics of the negotiating table. We wouldn't be here if there weren't problems and we're looking at people who are sitting under a mural here with equal justice under the law. This thing with the ground rules is very much exemplified where we're at right now. To think that we're three, four months into here, right? And people are still debating over what the rules are to be able to talk to each other. This is very much a tactic that gets used by outside corporations and by people when they're trying to delay or staff any kind of good faith negotiations.

And it's really where I think this is headed, when these are the kind of discussions that are going on, whether we're following ground rules or not or whether they've even been agreed to. First of all, ground rules, just so that people know, are not even a mandatory subject of negotiation, right? This is something that you do to try to be able to get a good rapport going in. But if people cannot agree on basic terms, most of the times they'll leave them be. To sit there and insist that something has to happen like that in the first place to even negotiate it is I think goes very much against the whole grain of unionism in itself. Right?

What we're talking about in itself a party that itself is always been a hub and an ally of labor, right? For labor to be in the situation that it's in in this County doesn't make any sense to me. When we have people that – the things that they're arguing over right now aren't even economic issues. They're about disciplinary processes and protection of the due process rights. That's not fair. And to think that we have a party that would sit there and watch that happen, that's why we're here. We're asking you guys for your support and to get these people going a little bit, and say, you know what? It's fine. You guys are doing your job as County Commissioners and as the County Manager. You have a responsibility to look over the fiduciary responsibility of the citizens. But at the same time I think you guys owe it to these guys as well. They're taxpaying members. They're the people that are contributing to this city as well. You owe it to them to give that good faith effort to them and to let them know that you guys backed them on this.

You guys want to make sure that they're the ones that are providing your crucial services to this county. Right? Why would we sit there and haggle over the things – they're not even economic issues right now. And this is what we're saying. We need to get to the



point to where we can say let's get away over all of this petty stuff and get down and start negotiating over this stuff because from what I understand the meetings aren't happening nearly frequently enough to be able to get anything done and when they are, they're not very productive.

Maybe that's the signal that we're trying to send, that we want productive negotiations out of this. So when they're on the table they're talking about substantive issues and not ground rules for three or four months. That's not unionism. And that to me goes against the grain of people that are supposed to be an ally of labor. And that's what we're asking for is support from the Commission to say, you know what, guys? You guys need to get off your feet and start negotiating a little bit on this stuff and get this thing done. We owe it to our citizens. We owe it to our fellow employees that are doing the services that we need to keep this city going. And the county. Excuse me. Thank you very much.

CHAIRMAN ANAYA: Thank you, Joel. Anybody else that would like to address the Commission? Okay. And I know that this Board and previous County Commission Boards have been fair and listening to both sides, and we'll talk more about that later, Roman. So thank you all for your comments and we'll address some of these issues.

## **X. MATTERS FROM THE COMMISSION**

### **A. Sierra Club/PNM Energy Efficiency Awareness Campaign and CFL Light Bulb Distribution (Commissioner Vigil)**

COMMISSIONER VIGIL: Thank you, Mr. Chair. This is a critical piece that I wanted to make a part of the agenda because this is the second time I've worked with the Sierra Club and PNM and all of us and I'd like to announce this to all of the Commissioners and to Santa Fe County employees, because we again will be participating in the CFL light bulbs campaign that is donated to us from Sierra Club and PNM and that will occur on November 13<sup>th</sup>. As I said, there's 5,000 light bulbs that will be distributed to employees. If in fact all of these light bulbs get used there will be 308 million Watt-hours of electricity that will be saved by installing four light bulbs each by each employee. It means that Santa Fe County will be reducing its carbon footprint by over 646,800 pounds of CO<sub>2</sub> emissions and saving over \$18,000 on County employee electricity bills.

I bring this to the attention of the Commission because not all the employees participate. I want to make sure that there's sufficient information out there so that all employees can participate but I also want to make some of those light bulbs to Commissioners to distribute to community meetings that they attend. All that's required from PNM and Sierra Club, because they want to keep a documentation of this is that whoever you distribute it to just sign their name and identify the amount of light bulbs that they're taking.

This has been quite successful, the last run we had. I'd like it to continue to be successful and for us to have more outreach. So if any of you are participating in community meetings Rita Maes will be sort of the focal point and pivotal person and we do have those

light bulbs. I think they're being delivered tomorrow, Veteran's Day, unbeknownst to the deliverers, but we'll be here to take them. We'll store them and Rita will be sort of the librarian of them. Okay. Thank you, Mr. Chair.

CHAIRMAN ANAYA: Thank you, Commissioner.

**X. B. Resolution 2009-219. A Resolution to Co-Sponsor a Forum for the Purposes of Sharing Information and Discussing Priorities and Emerging Issues (Commissioner Vigil)**

COMMISSIONER VIGIL: Mr. Chair, that's also mine, if I may. A resolution to co-sponsor a forum for the purposes of sharing information. This has been being discussed by members of the Community College, the Santa Fe Public Schools and representatives of the City Council and myself. I am actually the sole person who's been involved in this. And I'm bringing forth this resolution because thus far those discussions have loaned themselves to the opportunity for all governing bodies to get together to list their priorities and exchange information in terms of what their needs are, particularly in these critical times.

For example, Mr. Chair, the Santa Fe Public Schools has a critical budget crisis that they'd like leaders to be involved in and they have invited us to some of those meetings and some of us have attended. For example, the Santa Fe Community College is really at the apex of building a sustainable technologies center and an allied health center to promote workforce development there. We ourselves are dealing with annexation issues that do affect the public schools and the Community College. The kinds of issues that we're not always in the same room to discuss, first and foremost has never occurred and this resolution is to gain this governing body's authority to move forward for those purposes.

It hasn't been definitively designed. I think if I were to describe this particular resolution it really would be just to provide the opportunity to have a forum for communication on this. And with that, Mr. Chair, I would move for approval.

COMMISSIONER MONTROYA: Second.

CHAIRMAN ANAYA: There's a motion and a second. Any further discussion?

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

**X. C. Resolution 2009-220. A Resolution Recognizing the Urgency of Stabilizing the Climate as Well as the Role that Santa Fe County Can Plan in Such an Endeavor, and in Support of US Mayors Climate Protection Agreement (Commissioner Holian)**

COMMISSIONER HOLIAN: Thank you, Mr. Chair. This is a resolution on the role that Santa Fe County can play particularly in regard to upcoming legislation at the federal

level, particularly with regard to the Senate. I think that we all know, we all feel, that the climate is changing. I know that climate is different than weather; weather is not climate, but our climate does affect the weather. And I have to say that in the last 27 years that I have lived in New Mexico the weather has changed. I just look at what Novembers were like 27 years ago versus what they've been like in the last few years and I think it's a real clue as to what's happening.

But if it were only warmer Novembers, that wouldn't be so bad. I think we'd actually all be happy about that. But most assuredly we're going to have much more serious consequences, and those consequences have to do with water. We're already water-challenged in this area and we rely heavily on the groundwater. In the county in particular most people are on wells and our groundwater comes from snowpack in the mountains. The snowpack sits on the land. It seeps into the ground, makes its way into the aquifers and then it makes its way down into the Santa Fe Basin. So we're terribly dependent on that. If we have less snowpack, who knows what's going to be happening to our groundwater supplies. Secondly, if we have warmer temperatures there's going to be more evaporation. Even if we have the same amount of precipitation, that is going to make us more water-challenged as well.

And I believe that the mix of plants and animals that survive here will be changing in the coming years. I read a very interesting statistic. It's not just what we feel and what we see in the environment, but it's money too. There has been an estimate that if we do nothing the cost of inaction, the cost of going on the way that things have been going by 2020 it's going to be \$3,400 per year per household. So it's going to be mean real money for people.

So this is a resolution that's urging the Senate to pass legislation that both protects the climate and promotes clean energy solutions. I'll just sort of give you a gist of the resolution. It is urging the Senate to pass legislation that 1) sets science-based targets and timetables. We have good science out there. We have good scientists out there. We have data out there now. And we need to base our decisions on science, not on wishful thinking as is evidenced in the press at some times. Secondly, a cap and auction trade system which auctions emissions permits is urged. A cap and auction system is sort of an extension of the cap and trade system in that permits are auctioned and then the proceeds from those auctions go to the public good. Thirdly, we should pursue the cheapest, cleanest, fastest and safest solutions first, and of course that means above all energy efficiency. You always get your best bang for the buck with energy efficiency improvements. But with regard to renewable energy sources we need to use tax incentives and financing assistance, just like we're doing here in Santa Fe County I'm pleased to report, to promote renewable energy and particularly those renewable energy applications that are well – that we know how to do. There is a lot of technology out there already and we know how to do things and the cost is coming down.

Fourth, we need to protect our most vulnerable groups. As energy costs go up as they inevitably will it's always the people at the low income ends that really suffer, that have to make a choice between food and heat and things like that. And so particularly with the cap and auction system the proceeds should be used at least partially to help those people who are most disadvantaged and need the most help. We should stimulate clean energy jobs. I think that if we



do these things that will naturally happen. And finally, the EPA must be able regulate emissions. There are movements on the part of some corporations to try to limit their ability to do that or even take it away and it is just essential if we really want to get a handle on our emissions that they have the ability to regulate including CO<sub>2</sub>.

So with that I'll move for approval or stand for questions.

COMMISSIONER VIGIL: I'll second.

CHAIRMAN ANAYA: There's a motion by Commissioner Holian, second by Commissioner Vigil. Discussion?

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

**X. E. Status Report on the Results for the Applied Solutions Workshop in Santa Fe, New Mexico (Commissioner Holian)**

COMMISSIONER HOLIAN: Thank you, Mr. Chair. And I won't be nearly so voluminous in my comments on this particular issue. I've talked a lot about the Applied Solutions before. I just wanted to include some material in the packet that just talks about what the Applied Solutions Coalition is, who it is, why it is, and the future of it. And it's simply for your edification.

CHAIRMAN ANAYA: Okay. Thank you.

**X. F. Resolution 2009-221. A Resolution Urging the New Mexico State Legislature to Amend the Local Liquor Excise Tax Act to Authorize all New Mexico Counties to Impose a Local Liquor Tax Upon Approval of the Local Voters and to Authorize the Use of the Tax Proceeds to Fund Social Service Programs Serving Persons Impacted by Alcohol and Drug Abuse (Commissioner Montoya)**

COMMISSIONER MONTOYA: Thank you, Mr. Chair. Mr. Chair, fellow Commissioners, this is a resolution that we're introducing that has been the result of a lot of work that a lot of people in the community have been involved in regarding the whole issue of DWI, more specifically the recent tragedies that were experienced when we lost four teenagers to tragedy because of a drunk driver. The work began, it's probably been about three months ago already and one of the recommendations from the taxation committee, which is a committee that myself and Mayor Coss chair was to ask the legislature to specifically look at amending the local liquor excise tax to allow all counties the ability to impose, should the residents vote to do so, an additional tax that would go towards the purchase of alcoholic beverages. This is not something that we would impose ourselves. Again, it goes to the voters. The voters determine whether or not to enact the actual tax itself.

This could generate, Mr. Chair, possibly up to an additional \$2 million for our prevention and treatment services, services in great paucity and sparcity available right now for the people wanting and needing services for addiction. So this would help address the need as well as the need to start earlier in our children's livelihoods in terms of the whole prevention message. So with that, Mr. Chair, this will be a sustained and significant effort in terms of the people that are involved in the community, a lot of community leaders, and I would move for approval.

COMMISSIONER STEFANICS: Second.

CHAIRMAN ANAYA: there's a motion by Commissioner Montoya, second by Commissioner Stefanics. Commissioner Montoya, is this the same thing that McKinley County is doing?

COMMISSIONER MONTOYA: Yes, it is. And, Mr. Chair, just a point of information also. The City has already passed their resolution, which is mirroring what we're acting on today.

CHAIRMAN ANAYA: Any further discussion?

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

**X, G. Resolution 2009-222. A Resolution Urging the New Mexico State Legislature to Adopt Governor Bill Richardson's Proposed DWI 2010 Legislation (Commissioner Montoya)**

COMMISSIONER MONTOYA: Thank you, Mr. Chair. Essentially the priorities, I guess, for DWI this year for the Governor are going to be disallowing the pleading down of aggravated DWI refusals to non-DWI charges, disallowing the use of electronic monitoring in lieu of mandatory jail time, providing a clear definition of second degree murder giving prosecutors the ability to charge individuals with second degree murder in cases where DWI was the cause of a fatality, and revising penalties to increase jail time and fines.

Those are the Governor's priorities, Mr. Chair, and again, as a result of the discussion that we've had with the City-County Joint Alcohol Task Force it was recommended that we approve this resolution supporting the Governor's initiatives for the upcoming 2010 legislative session. With that I move for approval.

COMMISSIONER HOLIAN: Second.

CHAIRMAN ANAYA: Motion by Commissioner Montoya, second by Commissioner Holian. Any further discussion?

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

## **X. OTHER MATTERS FROM THE COMMISSION**

COMMISSIONER MONTOYA: Mr. Chair, I just wanted to inform the Commission of a couple of things that will be happening. As a result of the poll that we had done with the Aamodt case we've come up with a plan to begin some community outreach. Is it ever too late to do education and outreach regardless of where we are on any issue? No. It never is too late. So as a result, Mr. Chair, fellow Commissioners, I will be meeting with community water associations and different leaders in the community this month and we'll begin designating outreach coordination committees beginning in December in order that we do perform some of this outreach and education.

We will be working with Darcy Bushnell from the John Utton Law Center out of the University of New Mexico. She began this process which proved to be very beneficial in terms of the preliminary work that was done and will continue to do this as a means of answering questions or concerns that have come up as a result of the Aamodt settlement.

I'll also just mention that this Thursday is the feast day with Tesuque Pueblo so I invite all of you. It's in my district and they've been very good neighbors and people that I work closely with as well.

And, Mr. Chair, I just am glad to hear, and unfortunately Mr. Padilla has left, that we are being accused of being very conservative in the way we budget. I think it's certainly helped us in the long run in terms of where we're at fiscally today and also kind of I guess contradicts what the Republican County Chair for Santa Fe County said that we're not conservative or not conservative enough. So I'm glad to hear that we have been conservative so that we made some good decisions, I think, in terms of, again, our fiscal responsibility that we have to the constituents of Santa Fe County. I believe that's all I have, Mr. Chair. Thank you.

CHAIRMAN ANAYA: Thank you, Commissioner. Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. First of all, I'd like to thank Commissioner Holian for not only her report on the Applied Solutions but for bringing the second year conference to Santa Fe, New Mexico. She brought in some tax dollars; she brought in some people and came away with great ideas. But I think that it's forward thinking to bring people to our community and I appreciate that very much. I also would thank the unions and the public who spoke about our employees. I think one of the things that the Santa Fe County Commissioners do care is our employees. So we are looking forward to completing the process with all of our employees in mind, union and non-union.

And I'd like to make a comment about the CDRC, the County Development Review Committee. I understand that we sent out a notice publicly, that we had some vacancies on the CDRC, and I had several people in my area or my district apply for those positions and I learned recently that it was one position that's vacant, and it's not even in my district. So I wanted to thank the people who are applying for the CDRC vacancy, but Roman, am I correct that it is only one vacancy that we have?

MR. ABEYTA: Mr. Chair, Commissioner Stefanics, yes, I believe it's one term



that was expiring.

COMMISSIONER STEFANICS: Okay. And is that district-specific?

MR. ABEYTA: It may be District 3. I'll have to verify that.

COMMISSIONER STEFANICS: Well, I appreciate again all the people who are applying and just so they know, there might be other opportunities if this is not the one that they are selected for. Thank you very much, Mr. Chair.

CHAIRMAN ANAYA: Thank you. Commissioner Vigil.

COMMISSIONER VIGIL: Nothing from me, Mr. Chair.

CHAIRMAN ANAYA: Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. I'd like to just point out on the CDRC that there's nobody currently from District 4 on the CDRC. So I don't think that you have to have one from each district but I certainly would like to be in line next for an appointment. Secondly, I would really like to thank Robert Martinez. A few months ago I had set up a community meeting with the folks in La Cueva. They had a lot of road concerns. And then they just recently told me early this week, well, they couldn't drum up enough interest in people coming to the meeting because, gosh, the road had been taken care of and they were happy and they didn't have any complaints so they didn't need to have a meeting. So that was really a wonderful thing and I would just love to thank Robert for his professionalism and he makes us all look good.

And then this item is for you, Chairman Anaya. Last week I attended the Quivera Conference in Albuquerque. In case you don't know, the Quivera Coalition was created about ten years ago by Courtney White and other people, and the idea was to bring ranchers and environmentalists together to the "radical center". I love that. Radical center. Anyway, it's an organization that studies and teaches and communicates sustainability issues about ranching and farming. And there's just the most amazing stories of restoration at this conference and I just wanted to tell you about one that you'll appreciate.

This was at a west Texas ranch and there were some areas there that had been really overgrazed and the soil was just hardpack. They tried seeding it; they tried raking it and seeding it; they tried plowing it and seeding it and nothing worked. All that expensive seed for nothing. Not a blade of grass came up. So then what they did was they put cows in there and the hoof action – oh, and I should say that part of the reason the seeds didn't come up was because the water would only penetrate a quarter of an inch into the ground. So they put cows intensively on that piece of land for a month or something like that and the hoof action of the cows, plus the manure that they dropped made a huge difference. Suddenly the water started penetrating into the soil and they didn't even seed it. The grass came up. And it turned into a pasture again.

So I just want to point out, environmentalists say a lot of bad things about cows. But cows actually do play a really important role in our ecosystem and I think it's really worth keeping that in mind. The final thing that also you'll be interested in is that they have a program called CARLY, which is Conservation and Ranch Leadership in Youth, and the idea is to place interns and apprentices at ranches and farms because our farmers and ranchers are dying out. The average age is over 60 or something like that and we really need to think about

the next generation. So I just wanted to talk about that.

CHAIRMAN ANAYA: Thank you, Commissioner. Thank you for sharing that story. I know that I sit on the Agriculture and Rural Affairs Committee on the national level and that is one of the main, big issues is how do we keep our young people involved in farming and ranching. So thanks for sharing that story.

I'd like to turn it over to Roman to talk a little bit about the involvement that we're in with the national labs and what they're trying to do. I'll let you talk a little bit about it.

MR. ABEYTA: Thank you, Mr. Chair. Commissioners, Chairman Anaya and myself were approached by the county administrator from Los Alamos and some of their council members, and they have organized a group of elected officials and staff from counties that could be affected by whatever happens with the future of the laboratories in Los Alamos. As we know, we would be affected in ways that a lot of our citizens are employed by Los Alamos County. And being that we do have a fairly new legislative delegation they thought the timing was such that we should organize ourselves to start talking about issues related to the labs as a region and not just Los Alamos County themselves approaching the delegation or addressing these issues by themselves.

So last Friday there was the first meeting, a gathering of representatives from the area counties and we also had representatives from other jurisdictions around the country that have national laboratories and have gone through changes and how they organized to address those changes so the changes wouldn't negatively impact the communities in the county. So we're just starting that up now but there will be a series of meetings and dialogue between the labs and the different counties, and hopefully, the federal government and the delegation to try to again avoid negative impacts, or at least prepare us for changes that we may see in the short term or long term with the future of the labs and their mission.

CHAIRMAN ANAYA: Yes, I think it's important that we bat for the labs because I know that there's a lot of people in Santa Fe County and surrounding counties that work there. Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. On this point, at the BDD we are discussing of course the water and the quality of water that's coming. Can this be a point of conversation? Has this been a point of conversation? Did it come up in the initial meeting?

MR. ABEYTA: Mr. Chair, Commissioner Stefanics, no it didn't come up but that's one of the assets or the benefits of this coalition is that we each would be able to bring up different issues or concerns that each jurisdiction has, even though it's not directly related to the overall, big picture mission of the lab it does give us a venue or a place to raise these concerns.

COMMISSIONER STEFANICS: Thank you.

CHAIRMAN ANAYA: Commissioner Holian.

COMMISSIONER HOLIAN: Roman, I had a question. Who from the lab is taking part in these discussions and meetings?

MR. ABEYTA: Mr. Chair, Commissioner Holian, I'm not too sure of the names right now but we have a whole list of them that I can pass out to the Commission.

COMMISSIONER HOLIAN: Okay. I'd be interested. Thanks.

CHAIRMAN ANAYA: I even said that at the meeting, that you'd be interested. Okay. Thank you. Any other comments?

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN ANAYA: Commissioner Montoya.

COMMISSIONER MONTOYA: I just want to offer Commissioner Stefanics a happy birthday.

COMMISSIONER STEFANICS: Thank you very much. Another year older and wiser and grayer.

CHAIRMAN ANAYA: Do you want to start off the song?

## **XII. C. Community Services Department**

- 1. Request Approval of Amendment in the Amount of \$33,850,00. Professional Services Agreement With NCA Architects, P.A. to Provide Redesign for Basement Parking Structure. This Redesign is to Eliminate the Underslab Drainage Piping and Modify Structural Slab and Walls to Resist Hydrostatic Pressure from the Ground Water Fluctuation. The Redesign is Needed Due to Contamination in Soil and Ground Water that Would Require a Treatment Plant and Discharge Permits for Contamination Discharge Through Drainage System and Sump as Originally Designed (Community Services Department) [Exhibit 2: Staff Memo]**

JOSEPH GUTIERREZ (Community Services Director): Mr. Chair, members of the Commission, I believe the chairman read the letter that was in the packet. The item in front of you today is the sixth amendment for NCA Architects and it is for design services for what we call the bathtub. This is part of the package that we discussed two weeks ago. During those meetings I mentioned to you that I would bringing a list of items to you for approval of expenditure at the meeting today. So we stand in front of you for any questions.

CHAIRMAN ANAYA: Any questions of Joseph? Any motions?

COMMISSIONER HOLIAN: Move for approval.

COMMISSIONER MONTOYA: Second.

CHAIRMAN ANAYA: Motion by Commissioner Holian, second by Commissioner Montoya.

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



**XII. C. 2. Request Approval of Change Order No. 2 Between Santa Fe County and Bradbury Stamm Construction, Contract No. 290022 CSD/HGR, for Additional Construction Elements to Address Environmental Conditions for the First Judicial Courthouse Project Including Parking Basement Structural Enhancement, Barrier Wall, Soil Removal and Site Remediation Tasks Necessary for Construction \$2,747,129.52 (Community Service Department)**

MR. GUTIERREZ: Mr. Chair, members of the Commission, this is change order #2 for Bradbury Stamm. This is for the following items. The reason – Paul Olafson is passing out the memorandum that will give you the detail of the change order and the amounts for each aspect of the change order. *[Exhibit 2]*

There are basically four components of this change order. The first one is removal of contaminated soil from the project site and all the efforts associated with that. That cost, we're estimating at this point at \$1,463,869.22. The next item is the construction of the bathtub, the item we just discussed, and that amount is \$968,302.42. The third item is the dewatering efforts that Bradbury Stamm will be taking part of. It's some minor construction efforts on the site with some equipment. That amount is \$55,607.88. And item 4, the fees. This is something that I didn't bring before you two weeks ago but it is something that we had discussed in previous meetings. This is an amendment that we need to make to Bradbury Stamm's contract. These are for basically the down-time that they weren't at the construction site constructing the courthouse, and at that point we had mentioned to you that was approximately about \$20,000 a month. As I mentioned previously two weeks ago, the schedule is about one year behind in construction. So this is an amount requesting to put in the contract so all the monies for the courthouse are allocated for that purpose.

Items 1, 2, and 3, again, we brought to you two weeks ago to discuss, and also in the audience I have the experts that can speak to any of your specific questions on this. The total amount of change order #2 is \$2,747,129.52. I stand for any questions.

CHAIRMAN ANAYA: Any questions?

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN ANAYA: Commissioner Montoya.

COMMISSIONER MONTOYA: Where does this put us overall in our budget? It just about puts us where we had projected initially when we said we had, what? \$42 million to build this whole thing and now we're with this, puts us about \$40 million.

MR. GUTIERREZ: \$42 million. Right. Two weeks ago I mentioned that right now on this project, this project has a \$58 million project budget for construction, design services, and all the other costs associated with it. To date we have about \$7 million that hasn't been allocated to the project. So this change order of \$2.7 million will go up against that \$7 million. That \$7 million included a \$3.8 million contingency, and it will put the construction costs right now probably a little over \$42 million.

COMMISSIONER MONTOYA: So we'll have five million dollars left for any future change orders.

MR. GUTIERREZ: Mr. Chair, no. We'll have more, in the area of about \$4 million for future change orders. And there will be some more change orders that will be coming. Another thing that I'd like to mention at this point, one item that I didn't bring to you today is the barrier wall, the item that's going to start the construction process. At that point we had mentioned the cost is about \$900,000. It's about \$900,000 to \$1 million. Over the last two weeks we've had discussions with the Department of Environment. The Department of Environment, based on discussions with their secretary and staff, they are going to share the cost of that component of the courthouse with Santa Fe County. So it's basically about a million dollars to the County. Two weeks ago I presented that it was going to be about a \$900,000 cost to the County. At this point it's about half a million. But again, this isn't in front of you today for approval but just to give you that piece of information. At some point, probably when you come back after the first of the year we'll bring that to you for approval under an agreement with another state agency with the Department of Environment.

COMMISSIONER MONTOYA: And Mr. Chair, in terms of the timeline now, has that changed or what are we looking at? We're a year behind so that pushes us the year to 2011?

MR. GUTIERREZ: Mr. Chair, Commissioner Montoya, we're still looking at finishing the construction of the courthouse in 2011. We're estimating about March or April of 2011. If we get approval of these items today we'll see activity at the courthouse towards the end of this month and there will be several things happening over the course of the next six months. The actual construction of the courthouse coming out of the ground with the parking lot structure, we estimate that to be in April of 2010, after all these remediation efforts have taken place.

COMMISSIONER MONTOYA: Okay. And then, Mr. Chair, I'm just going to say again, I'm disappointed that the New Mexico Environment Department did not help in terms of offsetting some of the costs that we're having to remove the contaminated soil, particularly when there is that fund that is available to help with these types of projects and for us to not get any assistance and for it to have to come from our pockets it's kind of disappointing that they didn't step up to the plate to help out with the removal of the contamination.

MR. GUTIERREZ: Mr. Chair, Commissioner Montoya, we don't have a commitment from the Department of Environment on those funds yet. They are waiting for approval of a \$400,000 grant. My understanding is that if they do get approval of that \$400,000 grant that those funds would be available to the County to offset some of those remediation costs. I don't mention it because those dollars aren't committed like the \$500,000 for the barrier wall at this point. But it is a potential down the line that those dollars may come to the County for that remediation efforts of the soils.

COMMISSIONER MONTOYA: Mr. Chair, did that just come up like within the last two weeks?

CHAIRMAN ANAYA: Motion by Commissioner Holian. Second by Chairman Anaya. Any further discussion?

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

**XII. C. 3. Update Status Report on the November 17<sup>th</sup> Election to Renew the County Fire Protection Excise Tax (Fire Department)**

CHAIRMAN ANAYA: Chief.

COMMISSIONER STEFANICS: Mr. Chair.

CHAIRMAN ANAYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: As the Chief is coming up, I asked for this presentation so that we could clarify once again why we are asking the voters to look at this tax.

STAN HOLDEN (Fire Chief): Mr. Chair, members of the Commission, thank you. The tax is now before the voters in the form of the early voting and Ms. Lamb, Denise Lamb is here to answer any questions specific to the voting. The main questions have been coming forward in the form of email primarily to the Fire Department regarding the type of equipment that the Fire Department would be replacing if this tax is successful. And it was not possible to drive a fire truck into the chambers nor to give you a demonstration of a fire station that would be replaced, so we brought some examples of some large dollar items which firefighters use on a daily basis which we are looking to replace countywide.

While Chief Moya opens up his gear bag, this is what we call personal protective equipment for firefighters. This is obviously the helmet. This is what we call bunker gear. A full set of this bunker gear for one firefighter is \$4,000, from their toes to the top of their heads. That's one set.

Chief Holland has an SCBA, our self-contained breathing apparatus. This is what the firefighters use when they go inside a burning building. It protects them from inhaling noxious fumes and smoke when they're inside the building or outside and near smoky conditions. This one piece of apparatus is \$4,200.

Then Chief Sperling has an example of a physio-control LifePak. We're currently in the version LifePak 12. These units were purchased over 13 years ago. They're expected to be in service ten years. Ours are now at 13 years. And they've gone from what we now have as a LifePak 12, the replacements are LifePak 15's. So we've gone three cycles now without replacing these pieces of apparatus. And that one piece of equipment is \$25,000.

So just to give you an up-close view, and hopefully those in the viewing audience can see the type of equipment that we're looking at replacing in the Fire Department if this initiative is successful. Of course we will also be able to remodel and add and build fire stations with these funds, and replace aged fire apparatus, ambulances and rescue units for the department. The Commission knows, but many in the viewing public may not know, the



MR. GUTIERREZ: Mr. Chair, pretty much so, yes.

COMMISSIONER MONTROYA: Okay. Because at the last meeting they were pretty clear that they weren't going to help us with any remediation funding so if that just came up recently –

MR. GUTIERREZ: Mr. Chair, Commissioner Montoya, I think the grant has been there but the discussion, the commitment isn't there at this point.

CHAIRMAN ANAYA: Commissioner Vigil.

COMMISSIONER VIGIL: Joseph and Paul, I've been in communication with SWMA and with our County Manager with regard to the soil. The item was placed on the SWMA agenda. It has since been removed. I know there are factors that need to be considered but I don't want communication to stop on this. So I think the chair of the SWMA Board is communicating with the executive director to stay in communication with you all. I know the outstanding issues are number one, contamination and number two, cost.

However, the SWMA Board, at least as it is represented by its current chairperson, wants to look at that with regard to how it can be more fee-friendly to local entities, inclusive of the City and the County. So I think the discussion should continue with that and I don't know that they are ready to deal with it until their December meeting, so I don't know what that does to your timeline. But I think so long as we can feed our local economy we should try to exhaust ourselves in that remedy. So if you would know that those communications are going to be continued with you and SWMA Board will engage their own discussion on that also. Thank you, Mr. Chair.

CHAIRMAN ANAYA: Thank you. Roman, when we met with the Environment Department the first time they said they were going to help us. Is that still the case?

MR. ABEYTA: Mr. Chair, yes, but the help is going to be focused on the contamination outside of our property. And where we would ultimately benefit from that is that once we build the building the gasoline would hopefully be removed and would not keep coming onto our property because they would have helped with that part.

CHAIRMAN ANAYA: But they never committed to helping us remove the material.

MR. ABEYTA: Mr. Chair, not from our site, no.

CHAIRMAN ANAYA: Okay, because I guess I'm hearing something different. Maybe they did or they didn't.

MR. ABEYTA: They didn't. And Commissioner Montoya raised it to them and since then it sounds like they've looked into how they could help us with our site. And there's potentially this \$400,000 that they could help us with.

CHAIRMAN ANAYA: Okay. Just to clarify.

MR. ABEYTA: Yes.

CHAIRMAN ANAYA: So, thanks, Environment Department. Any other questions, comments? So is there a motion?

COMMISSIONER HOLIAN: Move for approval.

Fire Department is now eight years behind in its funding cycle because of the sunset of this tax. And without the renewal of this tax we do not have a sustainable revenue source to bond in order to replace these large pieces of equipment. One fire truck is \$225,000. One ambulance is \$185,000. So these are not small ticket items. These are large ticket items.

We're about to go out to bid for the Rancho Viejo Fire Station. We expect that station to come in around \$3 million. So these are not small ticket items and each one of these expenditures are specific to improve the Fire Department's capability of providing service to the public. And Mr. Chair, Commissioners, I'd be happy to stand and answer any questions that you might have.

CHAIRMAN ANAYA: Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. There was an article in the paper this morning and one person made the comment that we could get the funding for these needs from our County budget in other areas if we were just fiscally conservative. I wonder if you would comment on that.

CHIEF HOLDEN: Mr. Chair, Commissioner Holian, I'd be happy to. I've been with the County now for 13 years, going on 14 in February of 2010. The County, since I've been here has been a fiscally conservative Commission, including this Commission. And if you'll recall, it was just recently that this City Commission required the Fire Department to finish its five-year plan and bring forward a finished financial plan before the Commission took action to take this item out to the voters to renew, to be convinced that it was absolutely necessary. I am not aware of any funding sources within the County coffers that would be available to allow the Fire Department to do what it needs to do outside of this fund.

The legislature has set aside this fund specific for fire departments, specifically to purchase capital needs, equipment, fire stations and apparatus. We've been doing it for 25 years. All we're asking is to allow the voters to vote yea or nay on whether or not they will allow us to continue to do so.

COMMISSIONER HOLIAN: Thank you, Chief. And I think actually another thing that's really good to point out to the public is that we're not using the excise tax directly for the purchase of the equipment but we're leveraging it in a way by being able to bond for large sums of money and it's hard otherwise to come up with large sums of money.

CHIEF HOLDEN: That's correct, Commissioner.

CHAIRMAN ANAYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair, and thank you, Chief, for coming today. Approximately how many volunteer firefighters do we have throughout the county?

CHIEF HOLDEN: About 360.

COMMISSIONER STEFANICS: About 360. And in those volunteer fire departments are there any of the fire departments that have all of the equipment that they need or up to date equipment?

CHIEF HOLDEN: Not a one that I'm aware of.

COMMISSIONER STEFANICS: Okay. So if I were a person living in a rural

part of this county I would be someone who would benefit from upgrading equipment?

CHIEF HOLDEN: In two or three different ways. Number one, any improvement that we make in a County fire district – let's take Chimayo, for instance, because that's the one that we're focusing on currently to improve their Insurance Service Organization rating. Any improvement that we make in the Fire Department by the addition of additional fire stations, additional firefighters, additional equipment, replacement of older fire trucks with newer fire trucks with higher capacity, converts directly to an improved ISO rating. The public then sees the benefit in the insurance premium that they have to pay to cover that home or residence or commercial business. So that's one way that it's improved.

Secondarily, with the purchase of EMS or emergency medical services equipment and upgrading that equipment those services that our EMT/firefighters are able to provide are also improved to the residents. These monies are collected in the county and they're expended in the county. They don't go anywhere else. They don't go to the state, they don't go to the feds. It stays right here at home and it's put to work in someone's neighborhood.

COMMISSIONER STEFANICS: Thank you. And Mr. Chair, I recently, in fact just today, received an email letter from one of my constituents who had volunteered for 20 years with fire and then with the state, a critical incident management team, and she's now at the point where she's on oxygen and she receives medical attention quite frequently from our Fire Department, and her comment in the email was that she had never seen such old equipment and that she was just glad people came to her house. So I encouraged her to submit her comments to me to the letters to the editor and hopefully she will, but there's one person taking advantage of the services that we provide. I really appreciate your coming and I know that off-season elections are very poorly attended but hopefully individuals will think this is important. Thank you very much, Mr. Chair,

CHAIRMAN ANAYA: Thank you. I would like to say that any job, that if you don't have the proper tools you can't get the job done right. I would want the Fire Department to show up if my house is burning and they don't have any proper SCBA's. I think that if they're going to show up they have to have proper SCBA's, proper equipment, fire engines, trucks, to do the job right, or otherwise it's not going to work. So I encourage everybody out there to go out and vote and support this tax. How much does it generate?

CHIEF HOLDEN: We're estimating between \$1.7 and \$2 million.

CHAIRMAN ANAYA: Okay. Two million dollars. Stan, thank you for bringing your staff and the other chiefs and for showing us visual. I think visual is good. And next time try to bring that truck in here.

CHIEF HOLDEN: Thank you, Mr. Chair. Thank you, Commissioners.

CHAIRMAN ANAYA: Thank you.



**XII. D. Growth Management Department**

**1. Approval of Revised an Restated Joint Powers Agreement for the Santa Fe Metropolitan Planning Organization**

JACK KOLKMEYER (Land Use Administrator): Thank you, Mr. Chair. Good afternoon, Commissioners. The item before you today is to revise and restate the existing joint powers agreement for the Santa Fe Metropolitan Planning Organization known as the MPO, of which Santa Fe County of course is a current member. The revisions that are being considered in this JPA today, there are five of them. I will just go over them very briefly and with us this afternoon is Mark Tibbett who is the director of the MPO who is here to answer any questions if you might have them.

There are five revision items in this JPA. The first is the addition of Tesuque Pueblo and the New Mexico Department of Transportation as voting members of the Transportation Policy Board. Tesuque Pueblo has already ratified this JPA for your information. Secondly, it's to clarify and restate federal requirements related to MPOs. Thirdly is to clarify and restate organizational structure issues pertaining to the three organizational aspects of the MPO, the Transportation Policy Board, the Technical Coordinating Committee, also known as the TCC, and to the MPO staff itself. Fourth is to remove duplicated language specific to and included in the bylaws of the MPO, and finally are revisions to the Transportation Analysis Zone Map, originally adopted February 12, 2009, and revised for the purposes of this JPA.

Those are the items in the JPA before you that you're being asked to approve today and any questions that you have can be directed to Mr. Tibbett. Thank you.

COMMISSIONER STEFANICS: Mr. Chair.

CHAIRMAN ANAYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: I would move approval of the revised and restated joint powers agreement for the Santa Fe Metropolitan Planning Authority.

CHAIRMAN ANAYA: Motion by Commissioner Stefanics.

COMMISSIONER MONTOYA: Second.

CHAIRMAN ANAYA: Second by Commissioner Montoya.

CHAIRMAN ANAYA: Any further discussion?

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

**XII. D. 2. Sustainable Land Development Plan Update (Growth Management)**

MR. ABEYTA: Mr. Chair, Robert Griego is on his way in. I believe he's going to provide the update.

ROBERT GRIEGO (Planning Director): Good afternoon, Mr. Chair, Commissioners. I wanted to provide you with a brief summary of an update on the Sustainable Land Development Plan process. As you recall, the first draft of the Sustainable Land Development Plan was presented in front of the County Development Review Committee on October 1<sup>st</sup>. This is the first opportunity for the public to review the plan. The plan is available on the County website. It's also available in various locations throughout the County, at the County satellite offices, the County office here in the County administrative building. It's available online. It's also available upon request. We can provide a CD document.

The Sustainable Land Development Plan will replace the existing 1999 Growth Management Plan. The goals of the plan, briefly, are to focus on the efficient provision of existing County facilities and services. It is also to establish a clear relationship between future growth and available resources while protecting the community character and quality of life, to establish consistent standards and review process by which future development proposals will be evaluated to implement a clear and useful community participation process, and a consistent community outreach for residents of the county.

It is also to prioritize budgeting and capital facilities through the creation of a capital improvement plan. In regard to the public outreach through this process, the series of charette meetings that we held over a three-day period in each of the four geographic areas of the county provided some information that has gone into the plan. The charette process involves significant public involvement by county residents, service providers, developers, community organizations and other stakeholders. A charette report was completed and presented to the Board in March. We then went back out into the communities and held a subsequent set of meetings to gather additional public input.

After the public roll-out of the plan on October 1<sup>st</sup> the planning team has held public meetings, study sessions in each area of the county to receive public input and provide information regarding the plan. Since the public meeting the County and the consultants have been working on also providing additional information and recommendations on the plan. Part of the process has also included meeting with communities and other community organizations to get input on this process. There has been significant input that we've received. The next series of meetings will be public hearings for the plan on November 12<sup>th</sup>. That's this Thursday, November 12<sup>th</sup> at 6:00 p.m. here in the chambers. That will be the first public hearing of the plan. The public is invited to participate in this meeting and provide additional comments.

The second public hearing is scheduled for December 3<sup>rd</sup>. The planning team will work to compile the comments and the input that we've received and make recommendations on the plan at that time. We will send it out to you by Melissa with comments that we've received on the plan to date. Thank you and I stand for questions.

CHAIRMAN ANAYA: Any questions? Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you very much, Robert and Mr. Chair. I've been asked by members of the public who have provided comments how these comments are integrated into the plan, which ones are integrated, which ones aren't. Do we have a sense of how that's being handled?

MR. GRIEGO: Mr. Chair, Commissioner Stefanics, as I indicated in the update, many of the public meetings that we have, those charette meetings, a lot of those comments were incorporated into the plan already. The packet of information you have in front of you now, those are new comments that we will be compiling and reviewing and we'll be making recommendations on as the process progresses. The public hearing scheduled for Thursday will be another opportunity for the public to make comments, so at this time we'll need to – the planning team will go through a process where we incorporate these comments.

COMMISSIONER STEFANICS: Well, Mr. Chair, that's what I'm asking about. I'm asking about comments that are coming in, not the charettes. And I understand that not only are people submitting written comments. You all have been meeting with individual groups representing communities, realtors, people interested in water, etc. And I've been asked: So what? What's going to happen with my comments? And I realized that we might not be – we, meaning the County – might not be in agreement with every comment that's being proposed. But if we have some ideas for streamlining this report, which is very voluminous, I'm hoping we're taking some of those into account as well.

For example, some of the people that have spoken to me have indicated that they thought that we were covering so much in terms of goals that they didn't know how we could accomplish it all. Then, as I started thinking about this and I talked to other groups and individuals, I was concerned that this would not end up being a working document for staff. So when Robert Griego retires, when Jack Kolkmeier retires, when the next person retires, that whoever picks this up is going to have something that's streamlined and ready to utilize. And people have also told me they think it's, even though it's voluminous, that it's easy to read. But there's a lot there. So I guess where I'm going with this is what can we assure the public? What can we assure the county that we're going to be left with when we get through with this? Do we really want a thousand-page document?

MR. GRIEGO: Mr. Chair, Commissioner, I think that part of the process that we're going through now, and we are hearing these comments about both the complexity of the document and the importance of some of the information that's in there. We are having discussions about how to proceed with this. As you know, the plan now is set up in five separate volumes. Volume 1, the policy and implementation piece is really the key part of the plan as a whole. Then the plan elements specifically identify what each of the plan elements we need to address are in that. So Volume 1, the policy/implementation piece has an action plan in it with strategies that the County needs to address.

So the idea that the best – I think we are hearing comments very clearly and we're trying to address them. We just had a conference call this morning to try to figure out what is the best way that we are going to address the issues regarding the comments on what we've heard about how to make the document more accessible. So we are working on this and hopefully we'll be able to address this as we move forward in this process.

COMMISSIONER STEFANICS: Okay. So going back to, Mr. Chair and Robert, going back to any public presentations about this. We're starting one on December 3<sup>rd</sup>, you indicated?



MR. GRIEGO: Mr. Chair, Commissioner Stefanics, we are going forward this Thursday, November 12<sup>th</sup>, the first public hearing. We've had public meetings on the plan and now we're having a public hearing in front of the CDRC. The document in front of you has a lot of the comments that we have that we're going to be addressing in addition to the comments that we receive at the public hearings.

COMMISSIONER STEFANICS: So, Mr. Chair and Robert, at the CDRC, is there an opportunity for the public to participate with comments or is this primarily a staff presentation to the CDRC?

MR. GRIEGO: This meeting is about public input. It's a public hearing in front of the CDRC. There will be public comment and there will be ample opportunity. Most of the meeting is going to be regarding public input.

COMMISSIONER STEFANICS: So individuals from the public, other groups, the CPOs, other associations, they would want to attend this Thursday evening?

MR. GRIEGO: Yes. We are requesting that people attend this meeting and provide us with input on the plan. This is the opportune time for us to get the input on the plan so we can incorporate comments as we move forward.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. I'll stop because I know there's other comments.

CHAIRMAN ANAYA: Commissioner Vigil.

COMMISSIONER VIGIL: Thank you, Mr. Chair. Roman, I guess these comments are directed to you. I have a concern. I've read some of the comments that have come forth and I really think Santa Fe County is quite generous in their opportunity to let communities and comments come forth. As Commissioner Stefanics prefaced, we're not going to be able to respond to every request that we get with regard to how they want us to draft or change language in our Sustainable Growth Management Plan. What's concerning me at this point in time is the fact that we've spent a lot of money on this and if we continue to go down this path it really will be additional money that is spent trying to address citizens' concern. I'd like to know if we can do that in an expedited fashion. And I've been thinking how that might be able to be done is to start creating a transitional plan. Because at some point in time we're going to have to cut the cord with these consultants. And once we do, how is it that Santa Fe County will start surfacing to address and implement the Sustainable Growth Management Plan. And I think that the sooner we start addressing that the better off we'll be. My sense has been all along that we're going to have to look at bringing in FTEs. Perhaps those FTEs can be FTEs that would identify how to start implementing this.

But I think with regard to addressing all of the comments that we have, that in itself in my mind as I've looked at them could take another six months to a year and that is not the time frame nor the context that we entered into an agreement with the consultants. And I think part of the problem that these consultants themselves are having is their willingness and ability to address all of these concerns. So I think we need to start looking at a cut off cord date and identify some kind of a transition for this. Thank you, Mr. Chair.

CHAIRMAN ANAYA: Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. First of all, thank you, Jack and thank you, Robert and thank you to the whole Land Use staff. This has been an incredible amount of work and really an incredible tour de force. I too have been getting comments. Most of the comments are oriented towards the size of the document. And the thought occurred to me, you say it's a constitution for our County, which I think is a good analogy. But our US Constitution does fit on 20 pages. Now, admittedly, they had to write it all out by hand in those days; they didn't have computers to cut and paste. But this is just a suggestion. I wonder if the core document could be made more succinct, less voluminous, and then to put details, the myriad details that you really do have, more into appendices. That's just a thought that crossed my mind.

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN ANAYA: Commissioner Montoya.

COMMISSIONER MONTOYA: Mr. Chair, I agree with the comments that have been made in terms of needing to move forward. I think we have done a good job in terms of a lot of the community outreach that has occurred on here. Some people may say it's not been enough but I think we've done a significant effort in terms of making sure that we do get feedback. Was the Santa Fe Realtors' information not looked at prior to putting this binder together, and the comments that they submitted to us?

MR. GRIEGO: Mr. Chair, Commissioner Montoya, the realtors submitted a letter with a lot of comments, and those comments mainly related to the Code. We're trying to address the plan comments because again, the plan is setting the framework for the Code, but at this time we feel like we need to, from the plan perspective I don't want to combine the plan versus the Code. The Code will follow the plan. So a lot of the comments that they had were related to the Code.

COMMISSIONER MONTOYA: Okay. So then based on some of the comments that we've received, I'm sure there's a lot of contradicting comments in terms of we should be doing this and not be doing this, and then on the other hand, we should be doing this and not doing this. Is that happening? What's the frequency of that happening?

MR. GRIEGO: That's pretty significant in the plan, that there are contradictory comments going on in the plan and ways to address issues that people have. People may have different ideas about sustainability, for instance, and how to address those. So I think it's good for us to review the comments and get input and I think that we'll have to address the comments that we receive throughout the process to try to address how we move forward with this. If sustainability is the goal and we receive comments about what sustainability is from different perspectives we need to be able to address those comments.

COMMISSIONER MONTOYA: Then how and who's going to make that call?

MR. GRIEGO: Part of the process we're going through right now is the planning team as a whole. Basically the planning team includes internal County and also the consultants to this process. So as we prepare we've identified large categories of comments that we have. Some of them are relating to community issues, sustainability issues, fiscal issues that we, as we further refine some of these comments we'll have to come back and provide

recommendations of the comments that we've received as a team. We're going through this process as the planning team with County staff and with our consultants, going forward. As making recommendations to the CDRC, and then those recommendations will come forward to the Board.

COMMISSIONER MONTOYA: So as much as possible then, and I would really hope this is the case, there won't be any contradicting items in the plan that the CDRC is then going to have to hammer out and if they don't do it it's going to come to the BCC and it will have to be hammered out here?

MR. GRIEGO: It goes, we get a lot of these things worked out and have a revised plan with many of these issues worked out. In reality we don't know how that's going to come forward as we bring this to the Board in 2010.

COMMISSIONER MONTOYA: Well, that would just be my recommendation and suggestion is that as much as we're paying for and getting advice from outside consultants as well as staff internally that those sorts of issues be ironed out before they're brought to the public bodies for hearing and consideration, because I think as much as we can get a "clean document" I would think that that would help expedite this. Commissioner Vigil, I totally agree. I think we need to make sure that we're moving forward on this expeditiously. Thank you, Mr. Chair.

CHAIRMAN ANAYA: Thank you. Any other comments? Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair and I'm in agreement with the fact that all processes have to have a summary. But I think this is a really important benchmark for our county. So I would like for us to be able to identify when the time comes that we have done x-numbers of outreach at x-days and times, so we are very clear with the public that we have proceeded with outreach, that we've proceeded with individual meetings. You don't even have to identify who you have at all the meetings. But I think we should be really clear when we come to summary time all of the outreach that has been involved. Because this is such a big process that we're going to have kudos and we're going to have criticisms. But I do think that the public is entitled to know that we did our best at the outreach process. That's all. Thank you, Mr. Chair.

CHAIRMAN ANAYA: Thank you. Okay, if there's not any other comments, thank you for giving us the update and I agree with my fellow Commissioners.

**XII. D. 3. Staff Recommendation for Final Conjunctive Management Well Locations and Water Right Permitting (Utilities) [Exhibit 3: Staff Report]**

KAREN TORRES (County Hydrologist): Good afternoon. I just wanted to reiterate what we discussed a little bit last week about the progress that we've made on this project. First of all I would like to thank all of the County staff, the County Attorney, County



Manager and my director for their support in this project. Anything to do with water is always very, very sensitive.

We went through a map-based analysis and some other analysis and we teased out some well locations that we liked. The purpose of coming before the Board today was to ask permission to amend our groundwater application to reflect the well sites that we have picked. Also to add a couple of sites, to remove some well sites, to add some water rights and some other language about our conjunctive management plan. There's been changed conditions since we first filed this application so we wanted to add our Hagerman water rights which we've finally purchased. And also we wanted to add some language about how we see using these wells solely as a back up water supply and those types of things.

I just wanted to have one small comment that staff does see this as a first step in this process. This is not the final decision that can be made by this Board or anyone. We're just seeking the ability to amend our application and start that process to work still with the public, work with our protestants, work with the State Engineer to narrow down this problem a little bit. With that, I'll stand for questions.

CHAIRMAN ANAYA: Any questions? Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. So Karen, thank you for your hard work on this. I'm a little confused about the process. And you're bringing a recommendation for the well locations and changes to the pending application. Now, I see on the application as a very specific, final piece of the plan. Is that correct?

MS. TORRES: Well, I guess I see it as a starting point. When you're permitting groundwater or any type of water you first start out with your application, and it gets published but it has the opportunity to get protested by other water users in there. And then you have to start teasing out some of the issues. You can try to preliminary, try to address some things but I really like working with the state and getting their input on it and the only way they do that is through the application process. So we can try to mimic what the state does at this point but for us to get any significant input from them we have to get in this process at some point.

COMMISSIONER STEFANICS: So, Mr. Chair and Karen, a couple weeks ago when we had our last meeting I remember you talked about some of the meetings you've had and Commissioner Vigil actually asked you what types of public outreach you've had in relation to this. Now, as the list gets smaller, it would seem to me that it would generate quite a bit more interest.

MS. TORRES: Yes.

COMMISSIONER STEFANICS: And rather than be caught in a protest situation, Mr. Chair, I'm wondering if there is another step that we should be taking before we get into a situation where there are protests.

MS. TORRES: Certainly, we can – there's always a lot of work that we can do. There are lots of things that we can do. We can – I was hoping that we could have this as a concurrent process, where we start to amend our application. That will take a while to do so. It won't be something that I can do in a day. It will take all the language together. We have to have consults with the Water Rights Division at the State Engineer's Office, and I was hoping

that we could also at that time work in identifying homeowners that are nearby, start that public process. We literally will start sending out letters of notification, not just the advertisement with the state.

So I did feel that they could run at the same time. And I'm always trying to be efficient with our time and our money. So if I stepped over a step I apologize. The amending of the application will take us a while and then it will advertise in the paper for three consecutive weeks. So I don't see advertisement happening until January.

COMMISSIONER STEFANICS: Okay, so Mr. Chair and Karen, does the County pay any fees in the application process with the state or with any other consultant time besides yourself?

MS. TORRES: Yes. Yes. The filing fees for the state are actually relatively low. They just increased it I think to \$125 per application. On our initial applications we already paid that fee. To amend it we don't have to change it, but we can coordinate with the Water Rights Division and make sure because we're adding additional water rights there's no additional fees that are paid. Those are relatively low. I have a water rights expert, Paul Saavedra, under contract to assist with this process, and I also have a hydrologist, a modeler, under contract. Also as part of John Utton's contract, our water rights attorney, I have CH2MHill to do some costs and engineering analysis related to this project and additionally we have John Utton on staff that assists. I don't have a number on what's been spent so far on this but we can get that to you if you need that.

COMMISSIONER STEFANICS: Well, Mr. Chair, the reason I'm asking about consultants or attorneys is that I am assuming that once we would get to an application and if we would have protests we would require some legal counsel, which then would rack up in dollars. You heard other people talk about us being fiscally conservative about other items today and so I'm just asking the question whether or not there's anything we should be doing to avoid getting to the protest stage, needing legal counsel in this whole process.

MS. TORRES: We're already there. Our pending groundwater applications have been protested. They have been narrowed down to five parties. So we are already in that process. Just about every groundwater transfer in this basin gets protested by one party or another. Sadly, it's just the way the system is set up. That is how some people get say in the process is by protesting it. And sadly it does end up – sometimes if you're in an adversarial situation it ends up costing a lot of money. I don't think the County's position has ever been that way. We always try to negotiate. We always try to arrest people's fears about what's going on and we are absolutely agreeing to mitigate any estimated harm that could happen by this.

COMMISSIONER STEFANICS: Thank you, Mr. Chair.

CHAIRMAN ANAYA: Commissioner Holian, then Commissioner Vigil.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. Actually this is a question I guess for Roman or Steve. Are we making a motion on this or are we providing direction to County staff?

MR. ABEYTA: Mr. Chair, the way it's been noticed is we're asking for direction and action on the Commission, if you're ready to take that action. If you're not then

we could always take whatever direction you give and then on a later date take action.

COMMISSIONER HOLIAN: Okay. Well, I have a suggestion but I'll wait until the other questions and then I think there's some people from the audience who would like to speak as well.

CHAIRMAN ANAYA: Thank you, Mr. Chair, and thank you for all the work you've put into this. The concerns that are being brought forth to us, I don't think are concerns that we can't address and that is about impairment and it's about impact. I know that the standard procedure for getting those definitive date with regard to that is to go through the State Engineer but am I hearing you testify that we can gain some information with regard to that?

MS. TORRES: Through the process the technical experts are allowed to talk and allowed to discuss methodology. It's not something that the state is willing to stipulate to in the hearing process that this is what their expert report is going to say. But I think that we can informally discuss what numbers we use to our calculation, what methodology we're using, what files, and make those – and agree to certain technical aspects so that when we all run our numbers they should all come out relatively the same, so we're not all surprised with that. So that has been allowed through the pre-hearing scheduling conference that the technical folks are allowed to speak and do this.

COMMISSIONER VIGIL: Thank you, Mr. Chair. I'm going to defer to Commissioner Holian at this time.

CHAIRMAN ANAYA: Any other questions? Commissioner Montoya.

COMMISSIONER MONTOYA: Thank you, Mr. Chair. I guess my thinking is along the lines of Commissioner Stefanics in terms of I've been contacted by constituents and they've had criticisms, whether good or bad or indifferent about the need to maybe take a step back in the process and have more community input, more hearings, public hearings on what's being proposed here. And I'm hearing two things. One we're finalizing it and two it's not finalized.

MS. TORRES: Yes, I apologize for not being clear on that; sometimes clarity is an issue for me. What I'm asking for is to amend the applications that we have that are pending to reflect changes to that. And then really with the water rights application, when you've filed the application, that starts the process. You don't get a finalized permit until after all this analysis is done.

COMMISSIONER MONTOYA: So with what's being proposed here and recommended is that we remove the Valle Vista wells, Elmer Garcia well, Public Safety Complex, that we remove those wells from the application.

MS. TORRES: Yes.

COMMISSIONER MONTOYA: So which ones – and then we're adding some here?

MS. TORRES: Yes. I've requested that we add the Las Campanas well site and the Cook well site which is an acre of land near the Public Safety Complex. If you look on page 21 of this report there's sort of an overall sort of map that has the totals of the spatial analysis and looks kind of like a crazy looking map. On all the wells on there we do cost



analysis on and analysis on. So what we have requested is that we add the Las Campanas well, which is the farthest one to the north. That actual site is where the fire station is but we might actually move that slightly to the west due to a nearby fault, so we're still kind of siting out that exact location but it won't be very far from where that dot is.

COMMISSIONER MONTOYA: And where did these recommendations come from?

MS. TORRES: This came from the analysis that we did of all those maps that we added together. This came from all the cost analysis, the depletions, so this is the scores, essentially.

COMMISSIONER MONTOYA: Excuse me, if I can ask my question. What we're doing here is making these changes without having had any public input into these changes?

MS. TORRES: Well, I thought that we did have public input into this. We've had all these public meetings talking about this methodology. There is some more analysis that we do need to do. We do need to do some more site-specific analysis. We do need to contact the homeowners that are near the well sites that we pick. We need to go out and measure their wet water levels. We need to figure out if what we're pumping has some estimated impact on them.

Now, at what point that's done it's difficult to say. Generally through the process you have a well site that's picked or decided upon, and that's why I defer to the decision makers for that, and then that's when you start your site specific, because sometimes if you don't know which site it is you don't want to alarm people about a well going in and really it's not going there. So I was seeking some clarification on what our final well locations are and we can zoom in on this process. That's not to say that through the permitting process and through our analysis we won't have to either drop some of these well sites or reduce the pumping or do other things to mitigate.

COMMISSIONER MONTOYA: Thank you, Mr. Chair.

CHAIRMAN ANAYA: Okay. John, you wanted to say something.

COMMISSIONER VIGIL: Mr. Chair, if I could before we get public input, I think we've kind of created at least an intermediary resolution, because we did want more public input. And I think before the public comments we may even want to comment on that. Actually, Commissioner Holian has worked really hard on this and it's about bringing in the community a little more. John, you may want to hear about that before you comment because I'm sure that part of your concern is whether or not you've had enough opportunity to review this.

CHAIRMAN ANAYA: Okay. Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. Well, I believe that we do need to move forward on narrowing down our focus. There's a lot of research that needs to be done on the wells and I think that it would be wise to narrow the focus for that more intensive research that we need to do. My suggestion is that we create a focus group that is made up of members of the community who are particularly involved in this topic and are



very concerned about this topic, and that the focus group would help to draft a permit application with County staff and also to develop an effective program of community outreach. If they feel that the community has not been involved enough they could work on that aspect of it as well as just how should the community be engaged.

And that then when their work is done perhaps at the next meeting in January or depending on how things go, to bring forward their recommendations and possibly language for a new permit application. So that's my suggestion.

CHAIRMAN ANAYA: Okay. John, do you still want to talk? That must be a yes.

MR. SMITH: So again, my name is John Miles Smith and I'm vice president for the Santa Fe Basin Water Association. The Water Association is a strong supporter of the conjunctive management plan and we want to do what we can to help it be successful. We feel for it to be successful it's very important to have a public hearing on the final well locations before the Board approves those locations. While the County has provided, as has been said, opportunities for public input along the way as Karen has been developing her methodology and the analysis has been progressing but that public input has really been on the process for getting towards these final location recommendations. And the main people that have been coming to these meetings have been the activists who I guess seem to like this kind of stuff.

What we haven't had public outreach to are the people that are going to be impacted by the locations of the final well sites. There hasn't been an opportunity to get input from these people, people who are going to be concerned about living near a large County well and concerned about draw-down. In fact most of the well owners who will be near these large wells are not even aware of the staff recommendations at this point in time. The recommendations were only made a week or so ago so it's really new news and we're concerned that when these well owners that are near the County well proposed locations find out about how close they are they're going to be surprised, they're going to be upset, they're going to be worried about the risks to their wells.

And so we feel that before the Board approves these locations the County should reach out to them to reassure these well owners that the process which Karen is describing going forward is providing methods to alleviate some of their concerns and some of their risks.

The staff recommendations are for basically five to six well locations. Karen's listed the things to be added and the things to be taken away but when all is said and done there will be five or six locations which is quite a small number and may be reduced even further. And once the Board approves these five or six locations and the application is submitted to the OSE it's going to be extremely difficult to change our minds again on that. Changing one's mind again would be a major disruption. It will slow the whole process down and be really complicated. So we have to get it right this time around.

And in fact it's so difficult to change that the potential concern from the nearby well owners is they're going to say, well, gee, we can't change this. The only recourse we have at

this point is to protest to the OSE this amended application. And this creates an adversarial legal confrontation in the county. The last time when the application was submitted to the OSE there were 200 protesters. We don't want to see that happening again.

So basically, the Water Basin Association is urging the County to hold a public hearing before the Board approves the five to six well locations. And at a minimum, we'd like the County to widely publicize where these locations are and what area around them is likely to be impacted by potential draw-down and to ask well owners in these areas to attend the public meeting. We feel the hearing should explain in as much detail as possible, as much information as Karen is able to provide at the time what the risks are to domestic wells, but also how the County, as part of its plans, means to protect the residents from those risks through steps that Karen plans to take through modeling, through monitoring, and through some remediation steps.

If we have a public hearing with the Commissioners, with the Board, we'll obtain some feedback from the hearing before making the final approval, and the nearby well owners who may be concerned will have enough information to decide whether they feel comfortable relying on the assurances from the County for the process going forwards and hopefully they will not feel the need to protest and get into this adversarial confrontation.

So from our understanding there is time for the County to hold a public hearing and we really urge the Commissioners to do that before making the approval on the five or six locations.

COMMISSIONER STEFANICS: Mr. Chair.

CHAIRMAN ANAYA: Thank you, Mr. Chair. And John, I'm hearing you want more public hearings but we wanted to hear how you reacted to Commissioner Holian's recommendation of putting together an interested parties group to study the issue, work on this and still have public hearings.

COMMISSIONER HOLIAN: And also, I would like to add, to develop an effective program of communication with the residents.

MR. SMITH: Yes. So I support both of those notions, both to have the focus group and also to have the community more involved in continued public outreach. I think an organization like the Santa Fe Basin Water Association can act as an advocate. We understand the plan I think pretty well and where it's going, what the risks are, and I think if we're involved in that we can contribute to resolving and allaying some of the fears that people might have largely through lack of understanding of what's going on. So I think if we can be more involved in that process we'll be happy to participate, both in terms of the nature of the permits going forwards, and that once that is understood and how to present that the most effective way to the public.

COMMISSIONER STEFANICS: So, Mr. Chair, when we're finished with this speaker I have a question for Commissioner Holian.

CHAIRMAN ANAYA: Okay, I think he's done, right?

MR. SMITH: Yes, I am.

CHAIRMAN ANAYA: Thank you, John. Commissioner Stefanics.

COMMISSIONER STEFANICS: Commissioner Holian, do you see your recommendation similar to the committee that worked on the solid waste proposal, or do you think of this as a focus group, which is a little bit different? What is your vision of a group that might look at these wells?

COMMISSIONER HOLIAN: Well, I think that it is a group, like I said, needs to develop an effective program for actually outreach to the community as to what they think is an effective program, because they don't think that we've been effective yet. But also to actually look at the well sites themselves and to make recommendation – to work with Karen on being able to narrow down that list. I think that we don't want to do the full research on every single one of those 17 wells. That really would be kind of a waste of money if we know that some of those wells just a priori are not going to be a good selection.

COMMISSIONER STEFANICS: So, Mr. Chair, Commissioner Holian, I hear you saying a two-fold purpose? One is to determine outreach measures and the second is to actually get into content.

COMMISSIONER HOLIAN: Yes.

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

CHAIRMAN ANAYA: Advisory group.

COMMISSIONER HOLIAN: Yes, an advisory group.

CHAIRMAN ANAYA: How does the rest of the Commission feel? Okay.

You have your direction?

MS. TORRES: I think I do. Do you want me to repeat it for the record? What my interpretation of it is?

CHAIRMAN ANAYA: Yes, what you heard.

MS. TORRES: Okay. I'm calling it a focus group, we create a focus group to look at a modification of our application to assist with the language in that and to accomplish, hopefully, the goals I outlined a little bit on here. And also to bring that modified application to the BCC in January for a vote.

COMMISSIONER HOLIAN: Well, if it's ready.

MS. TORRES: If it's ready. If it's ready. When it's ready.

COMMISSIONER HOLIAN: And also an important role of the focus group is to assist your in identifying ways that we can really effectively communicate with the community.

MS. TORRES: Certainly. Certainly. I have so many smart folks, water activists, that are just great and I think they would really enjoy this.

CHAIRMAN ANAYA: Wait. Wait. How are we going to pick those people? I don't want her to go out and pick five people. I think it needs to come to the Commission, we pick five people or six.

COMMISSIONER HOLIAN: Yes, like we did with the Solid Waste Task Force. We each chose somebody.

CHAIRMAN ANAYA: I think it would be good one person, five.

COMMISSIONER VIGIL: I can think of individuals who have been very



intellectually communicating with me on these issues who have done a lot of research on it. I do think the Santa Fe Basin and the Watershed Association, so of those entities do need to be consulted with regard to this. I don't know how you feel about that, Karen. If you think you have a competent pool of people where you could make some recommendation and perhaps maybe bring them forth to the Commission.

MS. TORRES: Well, if the Commission has suggestions. I know you know your constituents very well and you know who your water activists are. So if you have a recommendation I can contact them and see if they're willing to donate their time to do this. And anyone who's willing to donate their time I'm happy to accept their input.

COMMISSIONER VIGIL: Let's start – so we have a starting place, with each one of us communicating independently as sidebar with Karen with regard to those people we know we've heard from that we sort of have a sensitivity and have been sensitized to the issues and most of them are in my district.

MS. TORRES: It's the Commission's pleasure how you want to handle it.

COMMISSIONER VIGIL: Yes, and I think one of us maybe make a separate recommendation. Perhaps some of us have a similar recommendation. But I think you should start with five folks. I don't know that you should go beyond five folks unless we see that there's a compelling reason for that.

MS. TORRES: Okay.

CHAIRMAN ANAYA: Okay, Karen. You got it. Thank you. Thanks for your hard work.

## **XII E. Matters from the County Manager**

### **1. Update on the Capital Outlay Projects [*Exhibit 4: Project List*]**

MR. ABEYTA: Mr. Chair, I've asked Rudy Garcia and Joseph Gutierrez to put together our list of projects that we've received capital outlay funding for in the past, and given the Governor's directive and the state's actions regarding capital outlay we've prepared for you a summary of all of our projects and how we think these projects will be affected by the state's actions. So with that, Mr. Chair, I would ask Joseph and Rudy to present the information they've put together.

JOSEPH GUTIERREZ (Community Services Director); Mr. Chair, Paul's passing out a list that lists all the state funded projects that are within the County. They're classified by building projects, road projects and water projects. One clarification on the list I want to make you aware of is there's two projects that show that the funds are not committed. One is the Stanley Youth Facility. We actually have a purchase agreement to purchase land there which is approximately \$70,000 and that purchase agreement was in place prior to the Governor's October 30<sup>th</sup> deadline to make commitments on funds. And the other area that shows the funds are committed is the Mountain Center. We also have a purchase agreement of the purchase of that property and that purchase agreement is approximately for \$625,000.



Again, here's the list. It shows all the projects. I'll let Rudy speak in terms of what he's heard at DFA and maybe the legislature in terms of what's going on there, and I also have Paul and Agnes and Growth Management that can speak to any specific project. One thing is clear that we're looking at, is that it isn't all that clear in terms of what we're hearing but we in Community Services and the Growth Management Department are making sure that we make every effort to move forward, that the County is reimbursed for any expenditures that they've made from October 30<sup>th</sup> on. Where there's a question that we're not sure of we're going to DFA for clarification or approval at that point.

But through this process we want to make sure that the County is not out any funds, because the process, the way it does work is on all these projects the County expends the dollars first and then we get reimbursed by the state.

CHAIRMAN ANAYA: Joseph, what is the red? Explain how this works.

MR. GUTIERREZ: The way the spreadsheet works is the project title is on the left side, the grant agreements are in the middle. The grant amount, you see that amount. Funds committed are those funds that are either expended at this point or there's a purchase order against it. Funds not committed are – it doesn't mean that we don't have activity in that project but we don't have a purchase order or architectural agreement or construction agreement at that point for those funds not committed. So the category that says funds not committed, those in theory are the funds that DFA is freezing at this point and I've heard terminating our grant agreements.

CHAIRMAN ANAYA: So I still don't understand. La Cienega Community Center. Go to that page. Second page, third from the top. It has grant amount –

MR. GUTIERREZ: A grant amount for \$140,000, funds committed at this point or expended is \$28,000. The funds that have the potential to be lost at this point is \$111,643.63.

CHAIRMAN ANAYA: So all these have a possibility of being lost, right?

MR. GUTIERREZ: That is correct, Mr. Chair.

CHAIRMAN ANAYA: But then you said something about Stanley.

MR. GUTIERREZ: What's not reflected on the spreadsheet is two purchase agreements for property that were in place before October 30<sup>th</sup>, and in Stanley there's a purchase agreement to purchase I think it's approximately 11+ acres for approximately \$70,000. That agreement is in place. So whatever number you see there we have to deduct about \$70,000 that are funds committed because we have a valid purchase agreement before October 30<sup>th</sup>.

CHAIRMAN ANAYA: So all the other funds could be –

MR. GUTIERREZ: The balance of those funds have the potential of being lost also, as per what we're hearing from DFA. The same with the Mountain Center.

CHAIRMAN ANAYA: Commissioner Vigil.

COMMISSIONER VIGIL: I just want to make some preliminary comments with regard to this. We've never had to deal with this, with the directive to freeze capital outlay funds. This is the first year it's happening. In my mind that can mean many things, and

one of the things it can mean is there's a stopgap put in there so that the state can see just exactly where all the funds are. But there's another session coming up in January and in January that other session may shed more light and open up opportunity for further capital outlay funds.

So I think what this has done in fact, because there's no precedent for this as it's made local government entities sort of go, well, what are we supposed to do here. So I really appreciate you taking the inventory with regard to all of this. But I also don't see this as final action. I see this is as, okay, here's where we are at the time we were given the directive. That doesn't necessarily mean that project isn't important to Commissioners who represent districts, representatives or senators who represent those districts, and it doesn't mean that those dollars will not come back for those particular purposes. We just don't know at this point in time. What we do know is that we so have a freeze on these funds. If third party contracts or invoices were not submitted it's very likely that that project will not receive funding at least between now and maybe perhaps mid-January or the end of the legislative session.

What I'm concerned about in-house, Joseph is that every just sit back and take a deep breath here and say, okay, we need to just step back and say this is where we are at at this point in time and not go into any other place except trying to comply with what we're required to comply with here and know that as much as we can we will advocate for these dollars and at this point in time we can't.

So while I look at some of the projects that are in my district I think, oh my gosh, am I really going to lose those dollars? They had a wonderful purpose. Well, I may or I may not, but I think at this point in time you just have to kind of be okay with everything. Thank you, Mr. Chair.

CHAIRMAN ANAYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. I appreciate Commissioner Vigil's comments. I do think that the state is looking at an even worse picture next year. And I do think that some of our entities that have projects on here might not be involved in the political process. So my question is what will the County be saying or doing with all of these projects or entities so that they know what the current status is and – for example, some people who are politically savvy will go, well, I'll just go to the legislature in January and fight for my projects. And other projects that are volunteers in the community aren't organized like that.

So I'm asking what the County's plan is now to communicate with these projects. I'm sure some of them have already come knocking on your door but perhaps some of them haven't.

MR. GUTIERREZ: Mr. Chair, Commissioner Stefanics, we've had meetings with the County Manager on that very subject and we were looking at sending some correspondence from staff or the County Manager basically giving them the status of the funds that are on the project and basically informing them what DFA's guidelines are at this point. And at that point that was the extent of that communication.

COMMISSIONER STEFANICS: Mr. Chair, I think that would be great. I think that we probably have knowledge that we could share with these entities and they probably would appreciate it. Thank you, Mr. Chair.

CHAIRMAN ANAYA: Any other comments?

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN ANAYA: Commissioner Montoya.

COMMISSIONER MONTOYA: In terms of contracts that we have already that are in existence, for example, I'm going to take Abedon Lopez Senior Center. There's an expenditure there for \$24,000 out of the \$50,000 total that we have, and the balance of \$30,000. Could that balance be entered into what a contract already for the services that were procured as part of that \$24,000?

MR. GUTIERREZ: Mr. Chair, I don't know the exact language on that grant. I'll ask one of our project people if they know. They may not know.

COMMISSIONER MONTOYA: In general, let's talk generally now then. We have some of these in existence. Can we use those existing contracts where we've already expended some of those funds in order to enter into another contract to continue to do some of the work that's already either begun or could be completed?

MR. GUTIERREZ: Mr. Chair, Commissioner Montoya, I would say the way that I interpret DFA's memo that we couldn't probably do that. I think our contracts are in place are for a certain purpose and these funds are usually to enhance the infrastructure there in some way, and those usually take specific contracts or construction agreements. If those weren't in place by October 30<sup>th</sup> I would say that they would not honor that. We will pursue that if that comes up but I would say probably not.

COMMISSIONER MONTOYA: What I was told – I was at a meeting Saturday where Dave Abbey from the LFC was there and was saying that the Governor cannot unilaterally terminate contracts or agreements such as these that are in existence and that prior to him signing any bill which we could enter into contracts with entities to perform the work if we could do that. I don't know if we looked into all that possibility or if we just figured we're going to take it as it is. So I don't know. Has there been any movement in terms of trying to get some of these entered into on a contract?

MR. GUTIERREZ: Mr. Chair, Commissioner Montoya, the existing grant agreements that you accept from DFA, they come to us and then you accept them from DFA, those agreements I believe do have termination clauses, and it's only my personal understanding just having worked for the state, the Governor or the executive in DFA could basically terminate the agreements that we have and put the funds aside. I don't believe that the executive in DFA has the ability to reallocate those funds until there's a session and there's concurrence with the legislature. So in terms of moving those monies or freezing them, that seems possible in order for them to spend them. I don't think that is a possibility at this time. They would have to wait for the legislature to convene to allocate the funds.

COMMISSIONER MONTOYA: So you disagree with what David Abbey told us then?



MR. GUTIERREZ: I'm not sure how –

COMMISSIONER MONTOYA: Which is what he'd said, that we could enter into a contract prior to the bill is signed. The Governor cannot unilaterally terminate the agreements that we have in existence. You're saying DFA can do that and then reallocate at a later point.

MR. GUTIERREZ: Mr. Chair, Commissioner Montoya, I'm not disagreeing with his language. I think that the County has a risk because it's not the legislature that would reimburse the County. It would be the executive that has the money at that point. So we enter into a contract; DFA did agree with it, and we'd expended the money. There's a possibility that we would not get reimbursed for that. Certainly we could challenge them on the subject but in terms of because of the way they work we have to expend the dollars first, that reimbursement coming from the executive. I'm not sure that we would actually get reimbursed for that at that point.

COMMISSIONER MONTOYA: Thank you, Mr. Chair.

CHAIRMAN ANAYA: Any other comments? Okay, Joseph. Thank you for the update. Fight for us.

MR. ABEYTA: Mr. Chair, we'll keep you posted as we get more information, and we will look into the email that I got where David Abbey said we could do something like that. But again, the risk is if we enter the contract then we possibly don't get reimbursed. But we'll continue – we're getting more information every day almost on this from the state, so we'll continue to do what we've got to do to try to save as much of this funding as we can.

CHAIRMAN ANAYA: Okay. Thank you, Roman.

MR. ABEYTA: And Mr. Chair, the only other item I had is I would like to have a meeting on December 8<sup>th</sup> even if it is only a short meeting, just so we can tie up any loose ends we may have before the end of the year and for sure we will have one item that would be beneficial for us to act on which would be a refinance of an old bond, so it would be good if we could meet if nothing else for that purpose so that we can save some money there. And again, there might be a few housecleaning items we may want to take care of on the 8<sup>th</sup> before the end of the year.

Since we won't have any public hearings on the 8<sup>th</sup> we could probably meet in the afternoon and get it done in an hour or two.

CHAIRMAN ANAYA: Why not in the morning?

MR. ABEYTA: Or in the morning. It's up to the Commissioners.

CHAIRMAN ANAYA: How about 7:30?

COMMISSIONER VIGIL: I'm good.

CHAIRMAN ANAYA: You let us know.

MR. ABEYTA: We'll plan a meeting on the 8<sup>th</sup> and we'll either meet at 9:00 in the morning or like 1:00 in the afternoon. I'll poll the Commissioners and get a time that works for at least three of you.

COMMISSIONER MONTOYA: So it won't be at the regular 3:00 schedule time?



MR. ABEYTA: No, because I don't think that we will need to be here that late. We could do from 3:00 to 5:00 if that time works for everybody.

COMMISSIONER MONTOYA: Only because I think we should all probably have that time scheduled.

MR. ABEYTA: That's true. We could meet at 3:00 and as soon as we're done get out of here. It could be 3:00 to 4:00, 3:00 to 5:00. But that's a good point. It's already on the schedule for 3:00. So if you want to meet on the 8<sup>th</sup> at 3:00.

CHAIRMAN ANAYA: That will work.

MR. ABEYTA: Okay. Then we will meet on the 8<sup>th</sup> at 3:00. Those are the matters I have, Mr. Chair.

CHAIRMAN ANAYA: Thank you, Roman.

## **XII. F. Matters from the County Attorney**

### **1. Resolution No. 2009-223. A Resolution Approving Publication of a Notice of Sale of Santa Fe County, New Mexico General Obligation Refunding Bonds, Series 2010A in a Principal Amount of \$13,335,000 [Exhibit 5: Resolution Text; Exhibit 6: Official Statement]]**

MR. ROSS: Mr. Chair, speaking of the funding bonds, here they are on the agenda. Mr. Franklin and Mr. Powers have identified two series of County bonds that could be refunded at substantial savings to the County so I'll turn it over to them to explain the idea.

PETER FRANKLIN (Bond Counsel): Mr. Chair, Commissioners, Peter Franklin with Modrell Sperling. What we have before you is a resolution approving a notice of sale of the Santa Fe County general obligation refunding bonds which would be series 2010A. The form of resolution I just passed out is slightly different than the one that was in your packets because at the time we put the resolution in your packets we thought we would have had to have published notice of the sale already and we were having you ratify that notice rather than authorize it, but as things turned out we couldn't have the special meeting that Roman was just talking about in a timely sort of way so we've revised this resolution just to indicate that you're authorizing a notice of sale.

At this point what we'll do is we'll schedule the sale to occur on December 8<sup>th</sup>. It's great that you've picked 3:00 to meet. We'll have the sale probably in the late morning and we'll bring a resolution awarding the bonds to the best bidder at the 3:00 meeting. There isn't anything especially interesting to add about this process. We will close probably some time in mid-January I would think, and Kevin Powers is here to describe what the refunding is about. It's basically refinancing of two outstanding series of bonds. "Refunding" is bond-talk for refinancing, and there should be some significant savings to the County as a result of that refunding. So I will let Kevin talk to you about those details.

CHAIRMAN ANAYA: Thank you, Peter.

KEVIN POWERS (Financial Advisor): Mr. Chair, members of the Commission, Kevin Powers, RDC Capital Markets. We have identified two bond issues, a 1999 and a 2001 general obligation bond that together have a blended interest rate of about 4.65 percent. Those bonds can be called and refinanced with new bonds that would bear interest at a rate of about 2.9 percent, roughly, if we sold in today's market. That would generate a savings of about \$936,000 over the life of the bond issue. On a present value basis that's \$844,000. That represents about 6.5 percent of savings to the size of the bond issue.

We typically look at three percent savings as being a healthy savings for refinancing so this is in excess of double that. It's a great opportunity and as long as the market holds, and we see no reason why it shouldn't, then we can come to you on the 8<sup>th</sup> with some results that are similar to these numbers. So I would stand for any questions that you might have with respect to this.

CHAIRMAN ANAYA: Any questions of Kevin?

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN ANAYA: Commissioner Montoya.

COMMISSIONER MONTOYA: Kevin, so this is a refi. What are the existing bonds being utilized for?

MR. POWERS: Mr. Chair, Commissioner Montoya, I'm not sure what those bonds – they're general obligation bonds. They were issued in 1999 and 2001. I'm not sure what the projects were that they funded. You may know.

MR. FRANKLIN: Mr. Chair, Commissioner Montoya, the bonds were issued for multiple purposes: open space, fire safety buildings, fire equipment, which I wondered about, and some other County general purposes. I wanted to add to what Mr. Powers said, these bonds will be outstanding for eight years, a very short deal, which is part of what makes it work so well.

COMMISSIONER MONTOYA: Great. Thank you.

CHAIRMAN ANAYA: Any other questions?

COMMISSIONER STEFANICS: Mr. Chair, I move approval.

CHAIRMAN ANAYA: There's a motion by Commissioner Stefanics.

COMMISSIONER VIGIL: Second.

CHAIRMAN ANAYA: Second by Commissioner Vigil. Any discussion?

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

## **XII. F. 2. Discussion and Possible Action on Bids for Insurance Coverage**

CHAIRMAN ANAYA: Roman, didn't we just do this?

MR. ROSS: Mr. Chair, I can explain the item. As you recall, the County went out for RFPs for an insurance broker over this summer and early fall and we collected

Daniels Insurance Agency, local insurance company, to be the County's insurance broker. Since we selected them they've been out beating the bushes and have received some quotes from insurance carriers for the County's proposed coverage. The County Clerk's going to pass out copies of just two slides. *[Exhibit 7]*

So with us today are Jamie Cook and Craig Segura from Daniels and a couple representatives from the low bidder in this process, which is One Beacon insurance company. Just taking a look at the slide, you'll see here's the results of the bidding process that Daniels did. We had of course the bid from One Beacon and we can talk about what that includes. We had a bid from Travelers and we had a bid from the Association of Counties. The far right column represents what we currently pay for insurance coverage, so that's the current year, just as comparison for the various bids.

Now, you'll see the premium on the first row of the spreadsheet, this is the premium that each company bid for the business. So One Beacon bid \$499,000, Traveler's, \$1.7 million, and the Association just a little over \$2 million. The next row that's labeled "Ded Exp," it was a calculation that was applied to the premium representing the amount of the deductible, the amount of deductible payments that we might be expected to pay in any given year, based on the deductibles that are bid by each entity. So One Beacon, for example has proposed a \$25,000 deductible that yields, based on our recent loss experience, possible expenditures on the part of the County of \$347,000. So then you get a result of \$1.3 million for the total cost of insurance for that year, assuming the deductibles come in as they have in recent years.

So going over to Travelers, Travelers bid a \$50,000 deductible and so you can see with predictable results their deductible expense is somewhat higher and the Association of Counties of course, they've always had very low deductibles. That results in a lower total deductible number of \$144,000. So were we to award a bid to any of these particular carriers we would want to budget the amount that's down in the lowest, the total column. So if you were to aware to One Beacon you'd want to budget \$1.3 million for insurance even though we're only going to sign a contract for just under \$1 million.

The next slide, here are some features that the Commission asked for when we did the RFPs and it's features that the low bidder has agreed on. So going down the list, this coverage that's been bid at \$990,000 would be a three-year guaranteed rate so long as – in other words that's the premium for three years so long as the County stayed under a 50 percent overall loss ratio. Once again, the contract with Daniels says that we're going to repeat this process each year so next year at this time they would do another bidding process and solicit the market and take a look at what the prices are at that point. So the three-year guaranteed rate may or may not be important in our decision-making.

The second point, defense costs are outside the limit. What that means is that defense costs for defending the County in lawsuits do not reduce the amount paid by the insurance carrier. So if we have a \$1 million on a particular item of insurance, a particular type of insurance, let's say auto insurance, and we have a terrible accident and incur a million dollars in attorneys' fees we would still have a million dollars of coverage.



The third point, County's choice of attorneys, we have a lot of flexibility with the Association right now. One Beacon has indicated that they will respect our decisions concerning the attorneys that have been defending the County over time. This can be really important. We have a number of attorneys who understand the County, know the County, know the characters and can get up to speed on any issue very quickly. We know their expertise and the carriers frequently don't, so this is an important point.

The fourth point, there's no punitive damage exclusion. You see that in a lot of policies. So if there were extreme and outrageous conduct on the part of a County employee that resulted in a large verdict and the jury decided to punish the County by awarding punitive damages they would be covered.

Land use is something we always struggle with. This particular carrier is offering to defend and indemnify the County for civil rights and damages that result from land use decisions. That is subject to a caveat, which is – and this is a common caveat – that were we to be found guilty of having inversely condemned someone's property that the inverse condemnation damages themselves would not be covered but defending us on the accompanying civil rights damages would be covered. This is a significant improvement over our current situation. Then once again, the strip search issue. We've all struggled with that. There is no strip search exclusion in the policy and of course the Association of Counties has a limit of \$250,000 on such claims, and we've had such a claim. So that's always been a concern to us.

At this point I guess I'd like to invite Mr. Cook or Mr. Segura up to talk a little bit more about the effort that they went through to get these quotes and answer any questions you might have.

JAMIE COOK: Good afternoon, Mr. Chair and Commissioners. I appreciate us coming before you. We were selected to broker in October and I can say this, first of all to Jeff Trujillo and Steve, we've been doing municipality business and county businesses for a long time. I was really worried when we were selected, would we be able to get the information that needed to be able to quote real quickly? I think you can understand, from October to November 10<sup>th</sup> is a very quick one.

Let me just tell you, the information furnished by Jeff came from information that they have and the information was outstanding. Sitting down with Steve and their staff, going over the coverages where they were. When we were selected we were instructed to go out to the market and find the best possible coverage for the County. When we did that we didn't tell the companies on how to bid. We didn't tell them, we didn't suggest to them on what kind of deductibles to use. What we asked them to do is make the best presentation they could to us and their suggestion on how they would provide insurance for the County.

So we got all those figures in last week, and let me just explain one thing that was of interest to us when we had the RFP, we've been doing Rio Arriba for 15 years and Rio Arriba County is with One Beacon. This will be their second year with One Beacon. And we've had Rio Arriba with Travelers and we've had them with all kinds of different companies. So when we look at the suggested bid specs that they were looking for it's very interesting that

we have people that know northern New Mexico like you all do and we all do understand this is a little bit different than maybe somewhere back in the East so it's important that they have an opportunity, the company, who know what they're talking about doing.

What we've done, and first of all, with regards to the Association, I'm well familiar with the Association and I'm very supportive of the Association. The Association, when the Association went in at that time there wasn't an insurance carrier available for counties. Counties could not get any insurance. The insurance companies I guess weren't doing that and if it hadn't been for the legislature to be able to establish the Association and be able to do that there would be many counties that would be paying exorbitant costs of insurance. And so I have a great deal of respect for the Association and I also appreciate Steve and I appreciate the coverages they do and the kind of coverages they provide to the counties.

So what we've come up with – the Association figure by the way that showed up on the screen, their base bid was \$1,857,439, and then \$140,000. So they're \$2.001 million. In the deductibles is what we said to the County when we signed our contract, we felt there out to be a flexibility for companies to take a look and make an offer to us, an offer made to us. And obviously, One Beacon has come in with a \$25,000 deductible, we said, well, how do you know that the average projection is roughly \$300,000 in claims a year? Well, we took five years of history, except for the detention center, which is two years, but I must note that the first year you had a \$500,000 loss at the detention center. But still, we average that out, so you have to, as you're looking at it as you're weighing the results where it is. So if the detention center, if in two year it had one \$500,000 loss, that sort of really distorts it a little bit.

But with regards to the quote that we got, the low quote we got with One Beacon, when you have a figure come in, when we're coming in with \$600,000, almost \$700,000 less, the County's projected loss that we may have at \$347,000, which I would anticipate we probably wouldn't have, but we could have, is that when you say, well, gee, that's a great figure. The first question I would ask if I were up there is, uh huh, you're coming in and buying the business. You're going to come in and you're going to come in with a figure that is super-attractive where it is and so what we did is what we asked One Beacon to do was to do with us what they did with Rio Arriba on their second renewal, because they again on their renewal with Rio Arriba, on their second renewal, they were considerably less, we said we'd like a guarantee.

So we have a three-year guarantee on the rates, based on the 50 percent overall loss ratio. So knowing you all in the budgeting process where it is is that hopefully, with the help of One Beacon and the help of others that we'll be able to maintain a low loss ratio. So knowing public entities before and Boards and trying to do your budgets and stuff, so the figure we came in is, as I said, was that particular figure.

The other area that was a concern in visiting with Steve was the legal outside of the limit. That's an important portion because legal, the attorneys, they do make a pretty good living as I've seen in the past, is with the legal outside it doesn't distort our benefit area. It's important to do that.

The other one is punitive, because we have seen some claims in Rio Arriba, in Albuquerque, in Lea County and others where punitive is part of it. Punitive is an important part of any kind of coverage; you need to have it. So we are recommending that you go with One Beacon and we've asked the company to be here. By the way, the companies when they bid on this, they didn't just bid from their offices in Denver, they came down and went through all your facilities. Both our companies went through all your facilities, went out to your prisons and everything, looked at all of it. They know who got all the losses, got everything where it is and made an interpretation.

Travelers was second and when you look at Travelers figure is that they had a \$50,000 deductible. So Travelers had a second bid where it is, but the one thing about Travelers which was a good portion of Travelers but we didn't go with them, they are an occurrence company and therefore they would have moved you to a claims to occurrence, which they would have had to give you a back date to do it. But Travelers really came in third, because as I look at the County's bid where it was.

Now in visiting with Steve who is here, we're not trying to compete with them or whatever. I visited with him yesterday, we went over the numbers we had, told him he could see everything that we've got. The one question he mentioned was that he had known there would be [inaudible] on a deductible, I think it's a responsibility when you choose your broker is that the companies need to make a representation to you on what is the best interest for you. So we're here to answer any questions that you have. As I said just briefly, we've gone over the whole packet. We spent hours with Steve and Jeff going over all the coverage underneath. Do we have the same amount of property covered, the same amount of auto, the same forms? We do, but we noted out the additional. I'd be glad to answer any questions and I do have with us people from One Beacon here to be able to answer any questions that you have, Mr. Chair.

CHAIRMAN ANAYA: Thank you, Mr. Cook. Questions of Mr. Cook?  
Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair, and thank you Mr. Cook for being here today. How old is One Beacon?

MR. COOK: How old is One Beacon. Go ahead. I don't know how old you are. I think he's about 40.

JEFF RICHARDSON: Thank you. My name is Jeff Richardson. I'm vice president for One Beacon government risk out of Centennial, Colorado. One Beacon is an old company. It dates back to the 1800s. Potomac Fire was the original company. It's had many mergers and acquisitions since that time. But One Beacon went public with the One Beacon back in 2006.

COMMISSIONER STEFANICS: So, Mr. Chair, your last merger was in 2006?

MR. RICHARDSON: I'm sorry, no. Our One Beacon name, the One Beacon name is actually since 2000, since CGU and General Accident merged together. One Beacon has been the name since. We just went public back in 2006. My division, government risk, is



actually a new division for them, a specialty division for One Beacon. We've been in business since 2007. We came over from other carriers in the industry and built a platform for them to market to cities, counties, water sanitation districts, bus transit, specific public entity business. Our philosophy is to have underwriters, industry-specific underwriters that understand this business, risk control resources that can help you and your County do what's important to do to minimize your losses and claims personnel that have been in this business that understand the jurisdictions, the states they do business, and the torts and immunities that are afforded to you as a county.

COMMISSIONER STEFANICS: Mr. Richardson, what's your rating, like with Standard & Poor of Best or something?

MR. RICHARDSON: Our A & Best rating is A-13.

COMMISSIONER STEFANICS: A-13? And how many states and how many counties do you insure?

MR. RICHARDSON: I don't have that figure in front of me. We are in roughly 30 states across the United States. The county number I do not have a specific number for you. I can tell you, Mr. Cook here knows that we insure at least one county with him and that's with his agency in New Mexico.

COMMISSIONER STEFANICS: Okay, Mr. Chair, and Roman or Steve, what extra reserve do you think we would need to put aside based upon our experience in anything that might not be covered?

MR. ROSS: Mr. Chair, Commissioner Stefanics, it's really the number that's on the spreadsheet, the \$347,000. That's our typical deductible that we've experienced for the past four or five years.

COMMISSIONER STEFANICS: And Roman and Steve, if our deductible is going to go up from \$10,000 to \$25,000, don't we need to assess how much more we would need?

MR. ROSS: Yes. That's in here. That is. You'll see that the deductible expenses vary from carrier to carrier and that's because we apply the deductible to each.

COMMISSIONER STEFANICS: I understand. And so, Mr. Chair and Roman, do we have this available for the second half of this fiscal year or would we need to do a budget adjustment?

MR. ABEYTA: I think it's available but I could have Teresa confirm that for us. Yes, it's available. It's budgeted. It's available.

COMMISSIONER STEFANICS: And Mr. Chair, Mr. Richardson, what other counties in our state do you cover? Mr. Cook mentioned Rio Arriba, but anything else?

MR. RICHARDSON: In New Mexico, we do have other business in New Mexico. Unfortunately, that's proprietary information for the agencies that actually insure those, so I can't really. I can go off record and provide information for you on that.

MR. COOK: As far as New Mexico, we've got an open records state and that is not proprietary. You would have to divulge it. In other words, in New Mexico that is public record.

COMMISSIONER STEFANICS: Well, Mr. Chair, Mr. Richardson, I'm trying to find out, do you insure one other county here? Or ten other counties here?

MR. RICHARDSON: We do not have a large writing of county business in the state of New Mexico.

MR. COOK: The one that we have that we know of, that we're writing is Rio Arriba and we're in our second year with Rio Arriba and we've been doing Rio Arriba for 15 years. But not with One Beacon. We were with Travelers. One Beacon was second in our bid in Lea County. We write Lea County. Travelers was low in Lea County. One Beacon was number two in Lea County. That's in our agency. I don't know about other agencies.

COMMISSIONER STEFANICS: Okay. And Mr. Chair, Steve, do you know how many counties are not with the County Association for their insurance?

MR. ROSS: Mr. Chair, Commissioner Stefanics, I couldn't tell you for sure. There's a handful. Ten, maybe. Mr. Kopelman is shaking his head no. Four. I know for sure San Juan, Lea County, us and part of Bernalillo County.

CHAIRMAN ANAYA: Okay. Commissioner Vigil.

COMMISSIONER VIGIL: I have a question with regard to coverage enhancements. It seems like this proposal was made based on a 50 percent overall loss ratio or less. Is that loss ratio assessed annually, or are we locked into this contract and price range or not?

MR. COOK: Mr. Chair, Commissioner, it is an annual loss ratio. It would be what your annual loss ratio what be if it went with [inaudible]

COMMISSIONER VIGIL: So let me further clarify that, Mr. Cook, so that if in a year from now you do an evaluation and our loss ratio is above 50 percent, then in fact we would be required to pay more.

MR. COOK: Well, first of all, what they're saying, Mr. Chair, Commissioner, is that when they rate it, just like the County or by rates that they rate, they rate you based on your losses. So if your loss ratio was above 50 percent, roughly 50 percent of a million would be \$500,000. If your loss ratio was that that could cost an adjustment in rates because the rate could go up. But as we were just told by your lawyer, until we were selected to get bids from everybody. So we're required under our contract to come back to you by this date before with renewal bids and renewal figures and of course which we would do. So yes, if the loss ratio was high then Beacon would have an opportunity to charge additional premiums.

COMMISSIONER VIGIL: And would that happen on an annual basis or would it occur on a three-year guarantee?

MR. COOK: An annual basis.

COMMISSIONER VIGIL: Okay. So what is the three-year guarantee rate?

MR. COOK: The rate they use to rate each item, that rate is guaranteed for three years if your loss ratio is 50 percent or less. So we can give you a rating base. You can take a look at the rating base. That's a very good question. The rating base. But the reason you want to lock that in, as I've said before is that because this is such an attractive bid and a very good competitive bid, we're going to bid it next year. We got it this year and now we

come back next year and they've doubled their price then it may not be as attractive. So what we asked them to do, as we did with – and we would have asked Travelers or anybody else who we would recommend, to give us a guarantee on their rating for at least two or three years if they would.

COMMISSIONER VIGIL: Okay. By further explanation, defense costs being outside the limit – explain that.

MR. COOK: Okay, for example, say we have a \$1,500,000 as a tort claim. And let's say the legal expense for that is it would be \$300,000 and some legal costs. If it was in the limit you would subtract that from the million fifty so now you have left to settle that claim \$700,000. With the legal outside, whatever legal fees will not distort that tort claim. That's a very big portion because it erodes your benefit. In other words if you have a million dollars in coverage in legals within it and you've got \$200,000 in legal fees, now you only have \$800,000 to pay the plaintiff. With the legal outside it it will not affect that amount. In other words, what you've got is a million fifty on the primary there, which is the tort claims. On top of that we have five million dollars. So you have roughly \$6,050,000. So what ends up happening, if your legal is in there it could distort the benefits you're paying to the plaintiff. It's important that the legal is outside the limit, if you can get that. A lot of times you can't.

COMMISSIONER VIGIL: And this actually does exist in this proposal. My concern is for tort claims and punitive damages that do not seem to be included. As a matter of fact, you say that they're not excluded or they are? Does that mean that punitive damages are included in tort claims?

MR. COOK: No, tort claims is the state law that says the maximum –

COMMISSIONER VIGIL: Right. I'm familiar with that. But your proposal does or not include punitive damages?

MR. COOK: It does include punitive damages. What you do now does not have punitive damages. So what happens is that you're sued, say, for \$500,000.

COMMISSIONER VIGIL: I'm familiar with it. Yes.

MR. COOK: So we pay if not, and you didn't have it then the County would be responsible for paying the punitive damages if it was so adjudged.

COMMISSIONER VIGIL: Okay. And this one is to staff. On the land use, how many claims, Steve, have we had in the area of land use?

MR. ROSS: Mr. Chair, Commissioner Vigil, you know we have two or three claims a year on land use, based on decisions that this body makes.

COMMISSIONER VIGIL: Okay. That's – Mr. Chair, thank you.

CHAIRMAN ANAYA: Thank you. Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you. Mr. Cook, could you explain, when you or Mr. Richardson or any of the bidders look at the loss ratio, how does the five-year averaging of experience fit into that?

MR. COOK: Mr. Chair, Commissioner, what we do, we've got all your loss runs. They're all listed by classifications of what they are for the last five years. We've gone



through and mathematically figured what those losses were for every year for every class and what it is, and then divide it by five. And you come up with an average five-year loss ratio. Now, that actuarially, if you do it actuarially then you have to do it a little bit more technical, but we didn't do that. All we did is said in situations, as you're looking at it, we have very good loss runs. They're very well done. They're excellent loss runs. They're very detailed, show you exactly what it is and we went through and we did that. Except for the detention center which you've only been two years. The first year you had \$500,000. So we've taken those and we've taken a look at those to see what your average losses are.

Now, it's interesting, when you look at your loss runs you see some improvements on the County and how the County has improved and of course the other further thing that is required by the Board when we were chosen is that when we talked to One Beacon or Travelers or whoever, we've got to come in here and do what we have done in Rio Arriba, what we've done in Lea County, what we've done in Albuquerque for the city of Albuquerque. We've got to look at the losses that bring help with the loss control and how can we lower that? Because it's to our best interest to do that.

And so when you look at your overall losses is that if you take a look at it you will notice trends. In some areas you've been doing very well, except when you picked up the detention center, right off the bat you got a pretty sizable \$500,000 loss. But when they went out and looked at the detention center, when they all went in they felt very comfortable, I presume, or they wouldn't have been able to give us the kind of pricing they did. So that's how we did it, Mr. Chair.

COMMISSIONER STEFANICS: So, Mr. Chair, Mr. Cook, so if the five-year experience average is used, and let's say the first year of the five years was the worst, and we progressively improve, then that first year is dropped when we get to our next bid and the next year's bid should be a little lower.

MR. COOK: Mr. Chair, Commissioner, of course, what the situation is there other companies that are not writing the coverage now, let's say next year, you're exactly right. That company is going to take a look at the experience and say, well, gee, this county has turned around because of the last five years. Our guarantee is only talking about that year. But you're totally correct. As companies look at this risk next year or the year after, if your losses go down whoever is bidding it – the County or whoever's bidding it – is going to lower your cost of insurance.

COMMISSIONER STEFANICS: So Mr. Chair and Steve, we're only – on possible action, we're only moving ahead on a one-year?

MR. ROSS: Mr. Chair, Commissioner Stefanics, one year or three years, depending on how things shape up next year. But the way we structured the contract is every year they go out and they shop the market to see how we might do in that particular year and if the bids are higher and we have a 50 percent or lower run we would just then renew with this company for the same price.

COMMISSIONER STEFANICS: Right, Mr. Chair and Steve. But what I'm asking is today we're just making a decision on a one-year contract.

MR. ROSS: Yes. Yes.

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

CHAIRMAN ANAYA: Any other questions, comments? Commissioner

Montoya

COMMISSIONER MONTOYA: Just a comment in terms of I think in terms of the reason that I had asked that this be done three years ago and we did it 2 ½ years or so later was exactly the result that we're looking before us in terms of decreased costs, improved coverages, which I think is certainly something that in terms of even coverages that we didn't have that we will now have on the books, with a savings of about \$800,000 a year. It doesn't bind the Commission other than you're going to have to do this on an annual basis, which is a good thing. I think it allows for more, I guess, a little bit more flexibility in terms of being able to make these decisions on an annual basis. So with that, Mr. Chair, I would move for approval.

CHAIRMAN ANAYA: Can I ask – I think that the Association wanted to say a few words. Can you hold off on that motion for a sec. Did you want to talk, Steve? Is Travelers here? Okay.

STEVE KOPELMAN: Thank you, Mr. Chair, members of the Commission. I'll be very brief. Just a few things just as foundation. One is the Association of Counties is not profit-driven. We're a non-profit. The counties are basically the shareholders. We've had a long-term relationship with Santa Fe County. We currently provide coverage for 31 of the 33 counties in workers' compensation, 29 out of 33 for law enforcement and multi-line. The board of directors is controlled by the member counties. Santa Fe County has a member on both the workers' comp board and also on the multi-line pool board.

The Association has returned close to a million dollars to Santa Fe County. When they've had good years and they've turned a surplus and a profit, that money doesn't go as a profit to an insurance company; it goes back to member counties. And this year we're returning a million dollars on the multi-line pool to member counties.

We're very experienced. Our expertise is in counties. That's all we do. We do loss prevention. We do underwriting, risk management. As you know, in addition to the insurance we do a lot of training and educating counties. We do lobbying. All we do are counties. I think it was interesting because Travelers has a huge amount of experience in public sector and Travelers numbers turned out to be about, almost \$400,000 more than the Association's bid. One Beacon is very, very new to public sector work. They've been around for a long time. They're very new. They price very aggressively as you see. But just kind of by – some interesting facts that I wanted to give to the Commission on losses. The average losses over the last six years for Santa Fe County, looking at both the multi-line/law enforcement pools, is about \$1.2 million annually, the losses. That's not trending out the open claims. I think if you trended out the average over those six years it's probably about \$1.3 or \$1.4 million.

So this company is charging \$1 million and they're saying they'll keep the rate at a million if the loss ratios are under 50 percent. But I can tell you Santa Fe County's loss ratios

in law enforcement over the last five years with the Association that charges more is 88 percent, which is not a bad loss ratio but it's not near 50. And on the multi-line side over the last three years the loss ratio is 121 percent. So I just say sometimes if things seem a little bit too good to be true maybe they are.

And again, we're here to support the counties. We understand this is a large savings for this one year, and it may be something the Commission needs to make a decision in what's the best interest of your county. But I can tell you in 2006 it was a very, very bad year. Counties losses were about \$3 million. I'm not sure if One Beacon had looked at the ultimate losses. They may have only looked at the losses that were in the retention level for NMAC but a lot of losses were paid out in the excess layer too, and I want to bring that up.

Another thing, the Association does provide up to \$5 million in coverage per occurrence. One Beacon's coverage has a \$2 million umbrella over the one million, so it's \$3 million. What I've seen was what you've shown me. I guess that's changed. But again, I think that was done after we showed that we had \$5 million, so I'm not sure. That doesn't seem to be a level playing field necessarily.

Other things with the Association is their stability in the contribution and the rates. The board of directors, if you have a bad year, and Santa Fe County's had some bad years like all counties do, you're not going to see a 50 or 75 percent increase or get dropped. It doesn't happen. The board understands. Counties go through difficult times. You may have a 15 percent increase in a really bad year. But we cap the increases because that's what's fair and that's in the County's best interest. The pool is one for all, all for one. The counties do pull together and I think that's real important.

Also, it's a collaborative partnership. We're not an insurance company. We're not looking to find ways to deny coverage. We're looking at ways to cooperate and get coverage for the counties. And I think you can talk to anybody's who's worked with us, Jeff and Mark and Steve Ross and Rachel, we really try to bend over backwards to find coverage, to get the attorneys you want on claims, and we do everything we can. We are really here to serve counties. That is what we do.

And I don't know. You have to make the decision and like I said, the numbers are very enticing, but I think there's a lot more than just the low bid and I just wanted to give you all a little background and some foundation on what the Association of Counties is all about. We would love to be able to keep Santa Fe County in the pools this year. If you end up going and trying One Beacon we will be there to support you nonetheless. If you have issues, if there are things that you need to brainstorm with us, Jeff or Mark or anybody, we'll be there and we'll still help. So I just wanted to let you know that.

Again, we value the relationship with all of our counties and would really love to keep you in the pool. I think our coverage is extremely extensive. The deductibles are lower than what you get in the private market place, and again, all that glitters isn't gold. We also have Paul Gutierrez, our executive director is here, and also Becky Tafoya who's the assistant risk management director. So I'm happy to stand for any questions.

CHAIRMAN ANAYA: Any questions for Steve? Commissioner Stefanics.



COMMISSIONER STEFANICS: Thank you, Mr. Chair. It might be more a question to our staff. In terms of the returns that the County Association provides, what has Santa Fe County benefited in the past?

MR. ROSS: Mr. Chair, Commissioner Stefanics, I don't remember a return recently. Steve, maybe you are the best person to speak to that.

MR. KOPELMAN: Mr. Chair, Commissioner Stefanics, I went back and looked. It was about – over \$800,000 was returned on the workers comp side. On the multi-line side I think it's about \$100,000. One thing just to point out, the equity is returned when the pools do very well for extended periods. The multi-line pool now does have a fairly substantial surplus and that's why they did vote to return \$1 million to the counties this year. I think that there will be equity returns in the future, but again, that's based on the board of directors' decision on what the financial condition of the pool is toward the end of each year. But Santa Fe County has received close to a million dollars over the life of the pools.

COMMISSIONER STEFANICS: Okay. Thank you. And Mr. Chair, we are not making a decision here on workers' comp. Correct?

MR. ROSS: Mr. Chair, Commissioner Stefanics, no. That would be – that's the responsibility of Daniels to advise us before the renewal which is in July. July 1.

COMMISSIONER STEFANICS: Okay. Thank you very much, Mr. Chair, and I'd like to thank the Association of Counties because you do good work and regardless of our decision we know that we will be members and participating with you all.

CHAIRMAN ANAYA: Thank you, Steve for coming. Thanks, Paul and Becky.

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN ANAYA: Commissioner Montoya.

COMMISSIONER MONTOYA: In terms of the request when we put this out to bid, the Association, did they apply or did they respond?

MR. KOPELMAN: Mr. Chair, Commissioner Montoya, we weren't able to respond to the RFP because it was limited to brokers for consulting services, and NMAC is not a broker and we're not a consultant. The RFP didn't go out to provide the coverage. It was to get somebody on board then who would go to the marketplace for you and try to procure the coverage. We were not able to respond. We didn't qualify.

MR. COOK: Mr. Chair, we did ask them to bid. We contacted you for the last year to get our figures which we did do.

MR. KOPELMAN: I don't recall that. And again, the RFP was expressly for consulting and brokerage services and so we were not in a position. We couldn't respond. And I don't know what Mr. Cook is referring to as far as getting bids. In September we're not in a position to come up with what the contributions would be for the next year and we did get that to you, we just had our underwriting committee meeting several weeks ago.

CHAIRMAN ANAYA: Thank you, Steve. Commissioner Montoya.

COMMISSIONER MONTOYA: Just briefly I just wanted to conclude and say that this has always for me been about economics in terms of seeing what can best be done. It

has nothing to do – I’ve expressed this to Mr. Gutierrez, Steve, that it’s totally about what we can do to save the constituents of Santa Fe County some dollars in terms of what it is that we get for what we get and simply I’m looking at it from that perspective totally. So nothing against the Association or – I just thought that this was something that we needed to look at in terms of how can we benefit our taxpayers. So, thank you, Mr. Chair.

CHAIRMAN ANAYA: Thank you, Commissioner. Commissioner Vigil.

COMMISSIONER VIGIL: Thanks, Mr. Chair, and really dovetailing over that, based on the economics of this, I feel that I did not have an appropriate opportunity to make a well-informed decision without the Association being a respondent to this. We’ve had a lasting relationship with that, and I’m not sure that we really had the opportunity to compare apples to apples here, because being out in the free market and having an Association that actually has a purpose for pooling for these dollars, I think is something that needs to be looked at.

And what I’m thinking about is what the Association provides with regard to sustainability and what happens in the private area. What happens in the private area, at least to my knowledge and I defer to other people, is if your numbers start and your claims start getting bad that escalates your costs. So in fact whether or not it is truly sustainable is something I question. Whereas, with the Association, while that may still happen to a certain extent you are pooled. And I know, Mr. Cook, that you’re going to say they have a pool themselves and that factors itself into and maybe you’re not. But let me speak.

What I actually think the Association provides that has been of great benefit is the risk management assessments and the risk management prevention training that has been critical to the counties throughout the state. And I do not want to lose that because that’s something that the Association of Counties has actually taken a real strong leadership in since I’ve known and worked with them. And it isn’t something that they’ve incorporated for quite some time.

My biggest fear is that while this looks good up front, a year from now if we do have an 80 percent factor here and it’s above the 50 percent that you’ve clearly delineated, what’s that going to do to our premium? So I think that we may be shortchanging ourselves by not allowing the Association to be a respondent to this. And I think that when you want to compare apples to apples you need to allow that. And so, Mr. Chair, we may be expending more dollars than what we think we are with the intent of trying to save them. And I actually, Commissioner Stefanics, was going to defer to your knowledge as division director of risk management on this, because that’s just been my commonsensical sort of assessment. I know you’ve experienced this on a day-to-day basis with risk management.

COMMISSIONER STEFANICS: I have a question – you’ve brought up a question and Mr. Chair, in looking at this handout, and then looking at the book, it looks like the Association did bid. They just didn’t bid on the broker.

MR. COOK: Mr. Chair and Commissioner, our contract with you was very clear. It said that we had to get the bids. We were told to get figures from the Association, which we did. We sat down with Steve. Steve was not able to get our figures until yesterday

morning. We went down over the coverages with him. We looked at their coverages. So we're not paid – we get paid regardless of if you go with the Association or you go with whoever. It's that the Association, we did ask for their figures, we did want their figures and we sat down and made sure we got everything clear where it is. So it wasn't as if they were pushed out. It was that we were told by Steve and Jeff that they wanted to bid. And we went over them and in fact I told Steve yesterday if he wanted anything from our office, and in fact, for your information I think Jeff will tell you we asked them to come to our office over the weeks to show us how we put it out to bid. They've seen all our bid figures from all our companies. When we got the renewal bid from the Association was Monday morning about noon, I think is when we received that. So we did go over their coverages to look at their limits, to make sure their limits were the same and everything else. So we did have the price from the Association on how they priced it.

COMMISSIONER VIGIL: Mr. Chair, and I'd like to defer to the Association on that because we do have a handout here. Mr. Cook, do you have a risk management prevention plan where you can train employees with regard to prevention measures.

COMMISSIONER MONTOYA: Mr. Chair, on that point, before you respond, Mr. Cook, I don't believe that because we don't purchase insurance that we're excluded from Association, being a member from Association trainings such as the risk prevention. Is that correct?

CHAIRMAN ANAYA: Come forward, Steve, Steve, come forward.

COMMISSIONER VIGIL: And Steve, would you also address the assertion that you were a part of the response to this?

MR. KOPELMAN: Mr. Chair, Commissioner Montoya, if you're not a member of the pool, you're not eligible for all the safety training, the risk management benefits, the reports and the like. That's really for members of the self-insurance pools. As a member of NMAC you're eligible, obviously, to go to the conferences and to get the trainings that are put on at the conferences, but what we do now is we're on the phone, we're doing trainings with counties on safety, risk management issues, on a daily basis. And that's something that if you're not a member of the self-insurance pools that wouldn't be available to the County at that point.

And then just to respond, Mr. Chair, to Commissioner Vigil's question. What I was saying was we could not respond to the original RFP, and our board actually doesn't meet until December 8<sup>th</sup> to finalize the contribution amounts. But in order to try to accommodate the Santa Fe County's Commission scheduling, knowing this was your last meeting, we did convene a special underwriting committee meeting. It's a subcommittee of our multi-line pool board, they came up with these preliminary numbers. These are not final numbers because we still haven't even gotten our excess quotes and our reinsurance, and then it still has to be passed on by a board of directors which meets on December 8<sup>th</sup>, I believe it is. But there were preliminary quotes and we did want to get numbers to Mr. Segura and Mr. Cook before this meeting so that he could provide them to the Commission.

COMMISSIONER VIGIL: So would you clarify – I guess I'm having a



difficult time understanding whether these numbers were a part of a decision that we could make. I don't know who needs to clarify that. When we make a decision – today we're looking at making a decision for one year. So is the choice of the decision we make between One Beacon, Travelers and the New Mexico Association of Counties? Or what direction is required of us here?

MR. ROSS: Mr. Chair, Commissioner Vigil, we have to choose one of these entities because we need insurance after January 1.

COMMISSIONER VIGIL: Okay.

MR. COOK: Mr. Chair, you asked – when the companies, One Beacon and Travelers, they were required to provide loss control, safety, and all that. That's what they do. That's one of their requirements when we talk to them about being able to respond. I've got One Beacon here. You can talk to the people in Rio Arriba, which we've had clinics for for their law enforcement, for all of their stuff, and yes, that's part of when you ask whatever company it is, can they provide those services. Because if they can't provide those services then they're not somebody that we'd want to be able to insure you.

COMMISSIONER VIGIL: Are those services part of the response to the RFP?

MR. COOK: First of all –

COMMISSIONER VIGIL: Were they part of the response to the RFP and are they included in the current costs?

MR. COOK: Yes, they are. Yes, they are.

COMMISSIONER VIGIL: So does Beacon and Travelers come to the County and provide those services? Or how do they develop a curriculum and expand on it and meet with employees?

MR. COOK: We do, and I'll give you an example, which is our northern Rio Arriba, which we use. I think you can check the reference there about the number of times they've been there and the number of times they're there. In fact we're committed monthly. They do training up in Rio Arriba, up in T.A. and all the –

COMMISSIONER VIGIL: Are you, Mr. Cook, here advocating for one of these?

MR. COOK: I'm here advocating for the lowest bid possible. We get compensated whichever way. The lowest bid, the one that had the best bid was One Beacon. That's the one that's got the best price today. And so we're advocating that's the best cost for the County. It's been proven for the County, and that's what we're recommending.

COMMISSIONER VIGIL: And the lowest bid is the lowest bid at face value with us today but that bid could actually escalate next year. Correct?

MR. COOK: Mr. Chair, I don't know what our loss ratio is going to be next year. I have no idea. Nobody knows. But I can go on experience and I can say we just renewed in July Rio Arriba's and it went down by 15 percent with One Beacon, but it may go up next year with whoever it is but we've got to bid it. The contract that you put out is a different contract for the RFP for a broker. And under that contract we're required by the contract to submit to the County different bids from the companies. We can't just pick one.

It's very clear in the contract that we signed that we have to go out to the market. We have to show you that we've gone out to the market. We have to go to all the companies that are willing to bid on it.

For example, with the short period of time in October there were a number of companies that wouldn't bid; they didn't have enough time. We couldn't get a bid from AIG. We couldn't get a bid from a lot of others because of the short period of time.

COMMISSIONER VIGIL: You've heard testimony that our average risk is at 88 percent, so it's above 50 percent. So if you had that data could you not have responded to the RFP with what our average is?

MR. COOK: Mr. Chair, Commissioner, when I look at the loss ratios you have, look at the loss ratios provided I haven't seen that high a number, because what we did, I've got the actual loss runs and we went through and looked at the actual losses where they were. For example, when you were talking about that, you weren't including any workers' comp losses. So when we look at the losses provided to us and One Beacon looked at the losses provided by the County I didn't see that high a number. What we've got is a firm bid from One Beacon on the table and we've averaged out those losses so it's a firm bid for this year.

COMMISSIONER VIGIL: Just for this year, no guarantees. Mr. Chair, I just want to make a comment, and this is what concerns me. I think having been a participant in the multi-line pool, having been involved in responding and reading to RFPS, what the pools of dollars have done statewide, I think we're actually creating more costs for us by isolating ourselves to an insurance company and coming out of the New Mexico Association of the multi-line pool. I think it's going to complicate rather our claims and I think the accessibility of the Association of Counties to Santa Fe County and 31 out of 33 counties has a proven track record, so with that, Mr. Chair, it would be the New Mexico Association of Counties that I would support.

CHAIRMAN ANAYA: Thank you. Jeff, did you have any comments or questions in terms of working with the Association, working with One Beacon if they were to be chosen?

JEFF TRUJILLO (Risk Management): Chairman Anaya, I've worked well with the Association of Counties for the last 20 years here at the County. Like I said, we were just told to go out and find our lowest bid. I have a great working relationship with the Association of Counties. I don't know what my relationship will be with One Beacon but I'm sure with my knowledge of the County and what I do here would still be comparable with One Beacon also. But like I said I've been with the Association for now 20 years so I'm kind of used to it.

CHAIRMAN ANAYA: Okay. Thank you. Commissioner Montoya.

COMMISSIONER MONTROYA: Mr. Chair, I move approval of the recommended One Beacon for the provision of insurance services.

CHAIRMAN ANAYA: There's a motion by Commissioner Montoya. Is there a second?

COMMISSIONER STEFANICS: I'll second.

CHAIRMAN ANAYA: There's a motion by Commissioner Montoya, second by Commissioner Stefanics. Any further discussion? I just would like to say that in terms of the Association, when I was president for almost two years, I tried to keep the counties together, working closely together, and in some ways, or in a lot of ways, I feel what Commissioner Vigil is feeling. In terms of the Association of Counties is a stone throw away from us, to work if we have a question or a comment or something. Or trainings. I know they're right there. But in these tough economic times I'm surprised at the price difference between the Association and One Beacon. So I am leaning towards supporting One Beacon and hopefully the premiums won't change and that we can maybe develop a good working relationship. But then I'm also skeptical. But the price difference, the one year, I'm going to have to support the One Beacon.

**The motion passed by majority 4-1 voice vote with Commissioner Vigil casting the nay vote.**

**XII. F. 3. Consideration and Approval of the Memorandum Agreement Between the City of Santa Fe and the County of Santa Fe for Deferred Road Maintenance in the Phase One Annexation Area**

MR. ROSS: Mr. Chair, this is a last minute item and I placed the proposed MOA on your chair. [Exhibit 8] This came over from the City I believe on Friday. We've been having a lot of discussions about roads in the Phase One annexation area. There are some roads that have experienced deferred maintenance by the County over the past few years. In other words, there's maintenance that hasn't been done that normally would need to be done. The City has noted this in inspecting these roads in connection with the Phase One annexation.

Our settlement agreement with the City says that we will maintain all roads in the areas to be annexed pursuant to our normal standards, but that we will not place any capital improvements on roads or build new roads without the City's express permission. So that's kind of the rules. The rules are that we maintain the roads as we would normally maintain them. And we do have a few roads upon which there has been deferred maintenance; maintenance hasn't been done. And there are a few issues with a few roads. The Manager and I and the City Manager and the City Attorney have been talking about this for quite some time and the County Manager has directed staff to get busy on these projects so that the annexation can go through without concerns from the City that they're accepting basically our problems, and that there's not a level playing field.

This came over Friday to memorialize that informal agreement that we have. I know staff is working on these projects right now but there is a feeling over at the City that the first phase of the annexation might stumble if we don't formalize the informal agreement as



between staffs. What I handed out was an agreement that Mr. Katz drafted and I did propose a few minor changes in the agreement, which you can see. They're not substantive except for the change on the top of page 2.

The more substantive change is with the exhibit that isn't attached to this for some reason but I understand that there are several roads on the proposed list that are identified as needing maintenance and in fact what the need is capital improvements. So if you approve this agreement I would ask your blessing to strike those from the list and then send it back. And one of those is – I think it's Ocate Road. There's a drainage issue there. That's a design issue. That's not a maintenance issues. We'll strike that from the list. Another is Governor Miles is on the list, I understand. It's not a County-maintained road so we'll take that off the list. But there's five other roads and five other specific issues that have been mentioned on those five roads and that's what the subject of the agreement is. And with that I'll stand for questions.

CHAIRMAN ANAYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. Steve, at first blush this seems harmless, but then as I keep thinking about it it's not so harmless. We have tons of roads in the county that need maintenance. And I'd like to know how these roads will be prioritized with all the other roads that we have that are already on the list for maintenance and have a priority.

MR. ABEYTA: Mr. Chair, we're taking a look at that, but the reason why we want to do this is because by doing this it will get the roads off of our maintenance list in the long run. Because if the annexation doesn't go through because of something like this then we'll be stuck with all these roads anyway, including these ones, because they are County roads. So these roads are all part of our regular maintenance list anyways. So these would be a priority only because then by maintaining them first we get rid of them ultimately. And those are less roads we have to maintain in the long run and therefore those resources could be put towards the rest of the roads on the maintenance list.

COMMISSIONER STEFANICS: But Mr. Chair, Roman, so in the short run these roads would displace some of our other County roads that are on our priority list.

MR. ABEYTA: Yes. But again, I'm looking at the big picture and getting these roads off of our inventory.

CHAIRMAN ANAYA: It's been a long day and I'm trying to keep up with you guys. You're saying that in order for the annexation to go through the County roads that we have that are going to go into the City, the City wants us to bring those up to County standards? Before they take them over?

MR. ROSS: No, Mr. Chair, that's not completely correct. What they'd like us to do is make certain repairs that we should have already made.

CHAIRMAN ANAYA: That we should have already made.

MR. ABEYTA: And Mr. Chair, when you look at the repairs, we're a phone call away from having to go maintain them. Because some are really bad potholes that we would land up doing –

CHAIRMAN ANAYA: So they're not major?

MR. ABEYTA: No, they're not major upgrades to where we're paving a road. It's a pothole here that needs to be filled, or a road that needs to be graded there. We're not talking about a million dollars worth of projects or even \$100,000 worth of improvements to one road. This is strictly maintaining those roads and fixing, like I said, potholes, and things that we would be doing anyways. We've got pictures of the roads and the concerns, and like I said, because of them we would be doing it anyways. As soon as someone in one of your districts called and we saw the hole in the road we'd go do it.

CHAIRMAN ANAYA: So did we – I know the Town of Edgewood, when they annexed property and there was a County road in it, did they ask to do that?

MR. ROSS: Mr. Chair, no, but we don't have an agreement with them. Remember, the settlement agreement, the roads from the five lawsuits that we settled 2 ½ years ago. So we don't have any kind of agreement with Edgewood. That's not normally the rule, but the concern then as it is now on the part of the City was that if we entered into this agreement and provided these areas that were going to be annexed, but not going to be annexed for two or three or four years, that the County would just stop maintaining the roads and they would take it over in a mess and have to immediately put a million dollars in it. That was the concern that led to that provision in the settlement agreement.

CHAIRMAN ANAYA: Okay. So it's not a large amount of money.

MR. ABEYTA: No.

CHAIRMAN ANAYA: Commissioner Vigil.

COMMISSIONER VIGIL: Thank you. And Roman or Steve or whoever has more information on this, do we have to take action on this? Because I would feel more comfortable in knowing what streets and what repairs need to be done. Because I actually know in my district of some critical safety issues. And I don't know if this is a part of this agreement but if it could be it would be wonderful, but I think the safety issues that I'm concerned about actually require joint GRTs in the County prefers not to do that. So I'd like to know exactly what roads we're talking about and unless there's a real reason to move real forward on this couldn't this just be an action item at our December 8<sup>th</sup> meeting. These are the roads.

MR. ABEYTA: Mr. Chair, Commissioner Vigil, yes. And we can show you pictures of what we're talking about.

COMMISSIONER VIGIL: I would feel more comfortable, Mr. Chair, tabling this until we have that information.

COMMISSIONER MONTROYA: Second.

CHAIRMAN ANAYA: Motion and a second.

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

**XII. F. 4. Executive Session**  
**a. Discussion of Pending or Threatened Litigation**  
**b. Limited Personnel Issues**  
**d. Collective Bargaining**

MR. ROSS: Mr. Chair, we need a closed executive session to discuss pending or threatened litigation and collective bargaining strategy.

CHAIRMAN ANAYA: How long?

MR. ROSS: Shouldn't be more than an hour.

COMMISSIONER MONTOYA: Mr. Chair, I'd like to add limited personnel.

COMMISSIONER HOLIAN: Mr. Chair, I move that we go into executive session where we will discuss pending or threatened litigation, limited personnel and collective bargaining.

COMMISSIONER STEFANICS: Second.

CHAIRMAN ANAYA: Motion and second. Roll call.

**The motion passed by unanimous [5-0] roll call vote with Commissioners Holian, Montoya, Stefanics, Vigil and Anaya all voting in the affirmative.**

CHAIRMAN ANAYA: We'll be back in an hour.

[The Commission met in closed session from 4:50 to 6:05.]

CHAIRMAN ANAYA: Is there a motion to come out of exec?

COMMISSIONER MONTOYA: I move we come out of executive session where we discussed item a, b, and d.

COMMISSIONER HOLIAN: Second.

CHAIRMAN ANAYA: There's a motion and a second. Any discussion?

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

**XII. G. PUBLIC HEARINGS**  
**1. Solid Waste Ordinance 2009-13. An Ordinance Amending Solid Waste Ordinance 2005-5, to Increase Fees, Expand Service and Repealing Certain Provisions of Ordinance 2005-5 (Third Public Hearing)**

OLIVAR BARELA (Solid Waste Manager): Mr. Chair and members of the Commission, good evening. As you mentioned, this is the third public hearing. The body had



commissioned a task force in July and we had recommendations made to this body at that time and we were asked to bring those recommendations to consider for changes in the ordinance. Helen will go over those changes. I'll bring Helen up.

CHAIRMAN ANAYA: Okay. Do you want to go over it again, Helen?

HELEN PERRAGLIO (Finance Department): It's up to you, Mr. Chair. We have four slides just to do a brief review, but it doesn't matter.

CHAIRMAN ANAYA: Okay. Go ahead and do your brief review and then we'll go from there.

MS. PERRAGLIO: What we have here, we just gave a breakdown of what, after all the work we've done on this, what it will look like, our proposal of this amended ordinance. And we have what is existing under current, where we have our fee structure, the 24-punch for \$35. We're proposing that 24-punch to go to \$55. We have a 10-punch for \$20. We're proposing that to go up to \$35. We have never offered a one-trip residential but we wanted to offer that for \$15, and our 30-gallon bag tags will remain \$5.

Another change will be that our unlimited recycling will go from \$15 to being free, and we will have the 24-punch smaller commercial at \$50 will now be a ten-punch commercial at \$100. And we'll also offer a five-punch small commercial for \$60. The commercial billable accounts will remain the same and another addition is that we will make two options available to residents residing in the incorporated areas of Santa Fe County as a convenience for them, because some residents have vocalized their wants and need to use some of our transfer stations so we would offer them the one-trip residential, including recycling for the \$15 and a four-punch residential for \$40, to make it more convenient if they don't want to come back to the Treasurer's office or their satellite offices.

So that's basically it. As we move onto the slide you'll see that these are where – we've shown this slide several times where the other counties that have residential solid waste fees will be charged and Santa Fe County as you can see charges \$35 currently, but what we're proposing will only bring us up to the \$55 and we're still far below other counties.

The next slide shows the bottom line for fiscal year 10 we have estimated revenues that we think we bring in from our solid waste permit sales of \$279,402. We have an operating budget of \$1.8 million. We had an increase in tipping fees that was not previously budgeted for about \$120,000, and so we see an operating shortfall of \$1.7 million that gets covered by the general fund. For the forecast, what we're forecasting, with this increase, after we base numbers on actuals, and what we predict will be sales we forecasted a conservative number of about \$400,000. We'll see how it goes if you accept this, but about \$400,000 with an operating budget for the next fiscal year of \$1.9 million, and the shortfall being about \$1.5 million. So when it's all said and done, with this increase that we're asking, we propose that it will probably be about \$120,000 less of a shortfall for the general fund to cover.

Our final slide is that staff and the Solid Waste Task Force support the proposed solid waste rate structure, and we ask that you adopt the amended Solid Waste Ordinance.

CHAIRMAN ANAYA: Any questions of Helen? None. Okay. Thank you.

This is a public hearing. Is there anybody in the audience that would like to speak for or against this ordinance? Hearing none, what's the pleasure of the Board?

COMMISSIONER HOLIAN: Mr. Chair.

CHAIRMAN ANAYA: Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. First of all, thank you very much Olivar and Helen and to the task force. You did a great job and I realize that this is a journey that we're on. This is really not where we want to be in the end, but it's a good step in the right direction. So I'm very pleased to move for approval.

CHAIRMAN ANAYA: Motion by Commissioner Holian.

COMMISSIONER STEFANICS: Second.

CHAIRMAN ANAYA: Second by Commissioner Stefanics. Any further discussion? Commissioner Montoya.

COMMISSIONER MONTOYA: Mr. Chair, I just want to thank Commissioner Holian for the work that she did with the task force as well.

CHAIRMAN ANAYA: Okay. Thank you task force.

**The motion passed by unanimous [5-0] roll call vote with Commissioners Holian, Montoya, Stefanics, Vigil and Anaya all voting in the affirmative.**

**XII. G. 2. Ordinance 2009-14. An Ordinance Authorizing Santa Fe County to Donate Land, Existing Building for Conversion or Renovation into Affordable Housing, Pay the Cost of Infrastructure Necessary to Support Affordable Housing Projects in Santa Fe County or Make Housing Assistance Grants (Affordable Housing)**

CHAIRMAN ANAYA: Who's going to speak? Darlene?

DARLENE VIGIL (Affordable Housing Administrator): Thank you, Mr. Chair. At this point in time we are introducing this new ordinance, and I wanted to specify as you have just indicated the donation of land, existing buildings, for the conversion of renovation into affordable housing, pay the cost of infrastructure or make housing assistant grants. This would all be pursuant to the New Mexico Affordable Housing Act and the current Affordable Housing 2006-02 Ordinance.

Part of the ordinance itself would allow for developer subsidy for up to \$10,000 for income ranges 1, 2, and 3. In addition, the down payment assistance that would go directly to homebuyers that are earning less than 80 percent of the area median income. Again, \$10,000. The current ordinance has been approved by the New Mexico Mortgage Finance Authority, subject to policies and regulations to be reviewed and approved by the Finance Authority. I stand for any questions.

CHAIRMAN ANAYA: Any questions? Commissioner Vigil.

COMMISSIONER VIGIL: Thanks. This also provides other options besides

providing this subsidy and it really is enabling language, but it would also allow us to look at not only infrastructure, basic services the counties usually provides like roads and water line extensions and things of that nature. So we really are just creating an option for us to move forward in providing a support for our affordable housing.

MS. VIGIL: Mr. Chair, Commissioner Vigil, absolutely.

COMMISSIONER VIGIL: Because I do remember reading that. I would like this to happen. We would have to evaluate each proposal individually but I think it needs to be done in-house, Mr. Chair. I think we need to set a limitation of a three-year limit on this, consider it a pilot project, so to speak. I think the \$10,000 subsidies should be limited to \$500,000. I think that should be capped at that. And I think that the County employees need to be a part of this process, so it should be limited to County employees. So I would move for approval on this with all of those conditions, Mr. Chair.

CHAIRMAN ANAYA: Let me have a public hearing first.

COMMISSIONER VIGIL: Oh, it's a public hearing? Okay. Well, hold my motion in your thought then.

CHAIRMAN ANAYA: I have a question on that. Is there anybody in the audience who would like to speak for or against the ordinance? Hank, come forward.

HANK HUGHES: Thank you, Mr. Chair, members of the Commission, I'm Hank Hughes and I'm the director of the New Mexico Coalition to End Homelessness and as you know, several of us in the non-profit development community have been discussing the ordinance and the plan by Santa Fe County and we're very pleased that the County is moving ahead with its affordable housing program and we fully support this ordinance to go ahead as it is, but we do want to emphasize that think this is only the first step in creating a good affordable housing plan for Santa Fe County. It addresses one of the big needs but it doesn't address all of the needs.

We would really like to work with you to create a plan that meets the wide spectrum of needs, including people all the way down to the people I'm familiar with, people with disabilities whose incomes are more like 15 percent of area median income, who really need rental housing, and then the kind of homebuyers that Habitat for Humanity helps, all the way up to people who are helped with this ordinance. So I'm glad you're moving ahead slowly but we're also glad you're moving ahead with this ordinance and we hope to work with you to have further amendments so you can have a full plan. Thank you very much.

CHAIRMAN ANAYA: Thank you, Hank, and we'll look forward to talking about that at another date. Is there anyone else who would like to speak on behalf of the ordinance? Okay, the public hearing is closed. Commissioner Vigil made a motion. Could you restate it.

COMMISSIONER VIGIL: I'll try to restate it. I move that we move forward in adopting this ordinance, that as conditions of approval that we require a three-year limit to this, that \$500,000 be the cap for the \$10,000 assistance program, and that's for the developer piece. That we also make this available to County employees. That this program and programs associated with this be operational and administrated in-house.



CHAIRMAN ANAYA: Is there a second?

COMMISSIONER HOLIAN: Second by Commissioner Holian. Any further discussion? Commissioner Montoya.

COMMISSIONER MONTOYA: Darlene, you're comfortable with all of what was stated on the motion?

MS. VIGIL: Yes, Mr. Chair, Commissioner Montoya.

COMMISSIONER MONTOYA: Okay. Great.

COMMISSIONER STEFANICS: Mr. Chair.

CHAIRMAN ANAYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you. My question is more for Dodi and Roman. This issue about administering everything in-house, I know that writing the rules and regulations is our in-house job. Could I have a comment from one or both of you about administering it in-house? Were you planning on doing that?

DODI SALAZAR (Housing Director): Mr. Chair, Commissioner Stefanics, yes. We would manage that program in-house. That would be our responsibility.

COMMISSIONER STEFANICS: Okay. Thank you.

CHAIRMAN ANAYA: Any other comments?

MR. ROSS: Mr. Chair, just for clarification, Commissioner Vigil's motion had a number of conditions. They need to get translated into ordinance language unless they're staff direction.

COMMISSIONER VIGIL: What I would do is I would then withdraw my motion. I would move that we adopt the ordinance as recommended, and then I would give staff direction to incorporate all of the items which would include a three-year program, in-house administration, \$500,000 cap, and what was the other one?

COMMISSIONER MONTOYA: Prioritize for County employees.

COMMISSIONER VIGIL: Prioritize for County employees. And those would be staff direction. Would that satisfy the legal conditions?

MR. ROSS: That's great. That way we don't have to actually amend the ordinance. We're just taking staff direction on that. That's great.

CHAIRMAN ANAYA: Does the seconder agree to that?

COMMISSIONER HOLIAN: Yes.

CHAIRMAN ANAYA: Okay. Commissioner Montoya.

COMMISSIONER MONTOYA: Mr. Chair, that's not exclusive but just prioritizing, right? For County employees? In other words –

COMMISSIONER VIGIL: A good question, because you do want to create a prioritization for County employees. That's what the intent is. However, the problem that occurs with that is will there be sufficient County employees who will take advantage of this within a three-year period. So I think what I would direct staff to do is, if after you've instituted this and you're administering it you're finding that you need to extend it to workforce or City employees or things of that nature that you come before us so that we can expand that direction.

CHAIRMAN ANAYA: Okay. Any further discussion?

**The motion passed by unanimous [5-0] roll call vote with Commissioners Holian, Montoya, Stefanics, Vigil and Anaya all voting in the affirmative.**

**XII. G. 3. CDRC CASE #MIS 09-5261 Richard Montoya Appeal. Richard Montoya, Applicant, is Appealing the County Development Review Committee's Decision to Deny Recognition of a 0.396-Acre Lot As a Legal Lot of Record. The Property is Located at 6 Mi Tierra, Off State Road 76 in Cuarteles, Within Section 2, Township 20 North, Range 9 East (Commission District 1) John M. Salazar, Case Manager**

JOHN M. SALAZAR (Case Manager): Thank you, Mr. Chair. I just handed out a memo from Santa Fe County Surveyor, Jeff Ludwig with his review on this case. [Exhibit 9] He also asked me to mention that it came to his attention and our attention earlier today about 3:00 that if you look at the plat there is to the east of this property there's a property called Land of Juan Cordova. Juan Cordova is in the process of hiring a surveyor and having his lots recognized as legal lots so the County will recognize it, because I guess there's work he wants to do on his property. He can't get a permit through us though without proving legal lot of record.

And Jeff wanted me to tell the Commission that should that happen the property to the north of this has been proven a legal lot of record for Richard Montoya, the applicant. This is actually for his daughter, this property in question. The property to the south, also, the County has recognized that as a legal lot of record. So it's possible – we don't have an official submittal yet from Mr. Cordova but it's possible that when that submittal does come in and staff reviews it, if we find it to be a legal lot of record Ms. Montoya's property would be considered a legal lot through exclusion or remainder.

The applicant would like to move forward, however, with the case, so I'll read the staff report and then we'll move on from there.

CHAIRMAN ANAYA: Thank you.

MR. SALAZAR: On August 20, 2009, the CDRC, The County Development Review Committee denied the applicant's request for the recognition of a .396-acre lot as legal lot of record. They found there was not enough evidence supporting legal lot status. Originally the CDRC tabled this case on July 16<sup>th</sup>, asking the applicant to hire a surveyor to locate the boundaries of the subject properties since before that there were nothing but deeds describing the properties. The applicant does not have a notarized pre-1981 deed or plat to prove legal lot of record. Either one is necessary for the Land Use Administrator to recognize a pre-Code legal lot of record. Article II, Section 4, subsection 4.4.2 of the Code states, "If the applicant has evidence which does not include a notarized document, the evidence shall

be submitted to the appropriate Development Review Committee. The Development Review Committee shall determine if the evidence establishes the existence of the lot prior to the effective date of the Code.” Thus, the CDRC may recognize non-notarized deeds or plats as proof of legal lot.

What staff had to review and what the applicant submitted was a deed that was notarized on October 10, 1986. The applicant has provided staff with a letter signed by nine family members stating that the intent of his father was to provide a piece of property to his then new-born granddaughter in 1978.

On June 29, 2009 – this is just a little history – the Santa Fe County Land Use Administrator denied the applicant’s daughter her request for constructing a dwelling on the 0.396-acre lot stating, the earliest deed conveying the 0.396-acre parcel was not recorded until 1994, 6 years after the platted tracts were created, therefore, this parcel cannot be recognized as legal lot of record as defined by Article X, Section 1.71 of the Santa Fe County Land Development Code.

Staff’s recommendation: There’s no documentation to prove that the lot was created before 1981 that we had to review either through a description on a notarized deed or illustrated on a survey plat. Therefore staff recommends denial of the request and so does the County Surveyor.

CHAIRMAN ANAYA: Thank you, John. Any questions? Commissioner Vigil.

COMMISSIONER VIGIL: This is interesting to me, John, because I’ve never, first and foremost, I don’t think we’ve had a case where there isn’t verification whether there’s a legal lot of record. What are the alternatives for this applicant if the legal lot of record cannot be produced? It sounded like your testimony earlier on said that there were some other avenues that may be looked at?

MR. SALAZAR: Mr. Chair, Commissioner Vigil, there’s a possibility that this may become a legal lot of record through exclusion, because all the properties around it are a legal lot of record.

COMMISSIONER VIGIL: He’s an island but everything around him is legal lot of record. And how would that verification occur? Maybe Steve has to answer that. I don’t know. Steve, do you know? Can we identify a legal lot of record when the property is surrounded by legal lots of record?

MR. ROSS: Yes, as a remainder. Yes.

COMMISSIONER VIGIL: A remainder. And what is that process? Maybe we just need to go forward with that process, because would staff’s recommendation change if that legal lot of record was validated?

MR. SALAZAR: Mr. Chair, Commissioner Vigil, we wouldn’t have to be here if that was – however, we’re still waiting on a submittal from the neighboring property.

COMMISSIONER VIGIL: Is there a problem in getting all that information from the surrounding properties? Why not go through –

MR. SALAZAR: The surveyor for that property owner, he’s pretty close to



submitting. This would be an administrative review through our plats examiner.

COMMISSIONER VIGIL: So you're actually asking us for a variance at some level. I'm not sure. I guess because we've never dealt with an issue like this. It seems to me that there's an appropriate way to go forward with this but in fact if it can be validated that it will become a legal lot of record, if that's down the pipeline, if that can be administratively reviewed, then why don't we just do it the right way?

MR. SALAZAR: That's an avenue that could be taken, Commissioner Vigil.

COMMISSIONER VIGIL: Rather than reject this. If we reject it, if the votes turn this down, what recourse does the property owner have?

MR. ABEYTA: Mr. Chair, another option, and we've dealt with this in the past when I was the Land Use Administrator, prior to 1989 you could family transfer any size of piece of property you wanted to to your child. And then in 89 we changed that to half the minimum. So in this situation we have a warranty deed that was notarized in October 1986 that shows the intent was – had they recorded this deed we would have recognized the lot. But because it's a notary seal the Board of County Commissioners, based on testimony they hear, could recognize the lot based on that notary seal of 1986, because again, had they followed up and actually recorded it then the Land Use Administrator could recognize it as a legal lot.

COMMISSIONER VIGIL: So is that a part of our record? Is that a part of our packet?

MR. SALAZAR: Mr. Chair, Commissioner Vigil, that's Exhibit C in your packet.

MR. ABEYTA: So the question I would have is who is Daniel Montoya or how is he – or Daniela Montoya related to Richard Montoya and Teresa?

MR. SALAZAR: Mr. Chair, Commissioners, Daniel Montoya is the father or Richard Montoya. Richard Montoya is the applicant.

MR. ABEYTA: So Mr. Chair, the Code gives the Board the authority to recognize notarized documents, and if the Board feels comfortable, and again, based on the testimony here this evening, you could recognize it as a legal lot of record under the old family transfer rules that were in place in 1986.

COMMISSIONER VIGIL: And so doing we would have to consider that – we would have to take action on this being a family transfer.

MR. ABEYTA: Yes, that was the –

COMMISSIONER VIGIL: And it's been noticed appropriately for that?

MR. ABEYTA: It's a legal lot recognition, so that would be the way to recognize it.

COMMISSIONER VIGIL: Recognize it as a legal lot of record with evidence being that a family transfer actually occurred.

MR. ABEYTA: Yes, occurred in 1986 with that notary seal.

COMMISSIONER VIGIL: Mr. Chair, I move that we move forward. Oh, I'm sorry.

CHAIRMAN ANAYA: I know you want to get out of here. Okay. Is there any other questions of John? This is a public hearing. Is the applicant here? Would you like to come forward, sir? Is there anything that you would like to add?

RICHARD MONTOYA: Yes.

COMMISSIONER VIGIL: And Mr. Montoya, I may tell you you may not wish to add too much more because it's already looking good in your favor. And if you sometimes add more it may not.

MR. MONTOYA: Good evening, Commission Chairman, members of the Commission, my name is Richard Montoya and I'm going to say a few words before I turn it over to my daughter Melissa because she's a lot better public speaker. I was born, raised, and have lived my whole life in Cuarteles. Some day my ashes will be spread out in Cuarteles. I have three children.

I was under the impression that we needed to send them away to get an education and find a better place than northern New Mexico. My oldest son Rick graduated from the University of Tulsa. He's currently an archeologist for the state. My youngest son Daniel has a BA in biochemistry from the University of Texas, Arlington. He's working on his masters and is a chemical student at the laboratory. My daughter Melissa has a BA and a Masters from Highlands University and a PhD from Northern Arizona. And lo and behold, they all went out of state and have all come back to Cuarteles. So my hope is that you will approve this variance so that Melissa can live next to us. I am helping raise her son. He is my third son and I need to be close to him. I will now turn it over to Melissa. Thank you.

CHAIRMAN ANAYA: Thank you. Anybody else?

MELISSA MONTOYA: Good afternoon. My name is Melissa Montoya. The land was a family inheritance to me and it has been in the family for over 100 years. It was my great-great-uncle Cecilio Esquivel who gave it to my grandmother, Romelia Esquivel Montoya in the 1930s. This land is a part of a traditional community. The earliest deed was recorded in 1994, but a signed statement that my relatives – it was known to be given to me since 1978. *[Exhibit 10: Supporting Material]*

There has been no objection from my family or neighbors for it to be zoned a legal lot. Today I have over 12 family members and neighbors here in support of this. The lot was not surveyed. That was a concern from the last hearing. It has been surveyed. The neighbor that lives adjacent to me, the landowner, has had it surveyed as well. I have seen the property markers and they both – from surveyors and they're next to each other, so there should be no boundary disputes.

The size of the lot, there will be no further division of the land. As for drinking water, Cuatro Villas Community Water Association, which I'm a member of, will have community water available. As you can see on number 3 there's a letter from Dennis Quintana. Also my contractor for the home will provide an adequate, safe sewage system for my home. Community water will eliminate any possible contamination. If needed we will work with EID to tie into my parents' septic system. So on that, I would just thank you for your consideration.

CHAIRMAN ANAYA: Okay. Thank you, Melissa. Is there anybody in the audience that would like to speak for this case or against this case? Come forward, sir.

[Duly sworn, Manuel Quintana testified as follows:]

MANUEL QUINTANA: My name is Manuel Quintana. I just want to state that I've live in that – well, next to the Montoyas all my life and I have absolutely no reasons for them not to be able to proceed with what they're after. I'm all for it. It's nice to see that somebody's trying to do something in a legal way. So I thank you.

CHAIRMAN ANAYA: Thank you for coming. We appreciate that.

[Duly sworn, Teresa Montoya testified as follows:]

TERESA MONTOYA: Teresa Montoya. Commissioners, My name is Teresa Montoya. I'm Melissa's mother. She of course is my only daughter, so it would be a dream come true for her to live next to us. She's a single parent. She'll continue with her doctorate degree so she needs family help and support. Our grandson's father and family all live in Alabama, so the only support she has is from us. But our family's here in Cuarteles and I would just like you to make this possible so our grandson can live next to us and I can take care of him after school and before school. We are a very close family and community and would love to have her come back here by us. She's had a lot of job offers to go to Washington and other places where they need a Hispanic female in government but she chose to come back to our area and help us here. Thank you for your attention. I'm sorry I get so choked up because I'm so emotional.

CHAIRMAN ANAYA: Thank you. You did very well. Is there anybody else that would like to speak on this case? Sir.

[Duly sworn, Daniel Montoya testified as follows:]

DANIEL MONTOYA: My name's Daniel Montoya. I'm a neighbor of Melissa and Richard Montoya. I am Melissa's uncle and I am in favor of her moving into the neighborhood and building a house there. Melissa is a good person and she will be an asset to the community. Thank you.

CHAIRMAN ANAYA: Thank you. And I think she's already on the water board so that's an asset right there. Anybody else like to speak on that? Sir. Come forward.

[Duly sworn, Chris Martina testified as follows:]

CHRIS MARTINA: My name is Chris Martina. I live in Albuquerque and I'm Melissa's contractor so I'm just here to ensure everyone that she's getting the best that we can do. We have an adequate septic system that's adequate for where people are used to building on much smaller lots. I currently live on .16 of an acre and have almost 5,000 square feet on that so we've done plenty of things. We've built on smaller lots and had septic systems that are completely adequate. So I just wanted to be here to support her as well and let everyone know that it's all under control.

CHAIRMAN ANAYA: Thank you, Chris. Anybody else want to speak? Okay, this public hearing is closed. What's the pleasure of the Board? Commissioner Vigil.

COMMISSIONER VIGIL: I'll restate my motion, Mr. Chair. I move that we approve this lot as a legal lot of record and as evidence I'll state that this lot did qualify for a



family transfer.

COMMISSIONER MONTOYA: Second.

CHAIRMAN ANAYA: Motion by Commissioner Vigil, second by Commissioner Montoya. Any further discussion? I'd just like to say that all day today we've been talking about affordable housing and how to get people in homes and I think this is another means of affordable housing.

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

**XII. G. 4. CDRC CASE #V 09-5330 Leroy Alderete Variance. Leroy Alderete, Applicant, Requests a Variance of Ordinance #2000-1 (Height Standards for Walls and Fences) to Allow an Eight-Foot (8') Coyote Fence to Be Constructed Atop a Four-Foot (4') Retaining Wall for a Total Height of Twelve Feet (12'). The Project Is Located At 49 County Road 113-A in Section 9, Township 19 North, Range 9 East, (Commission District 1) John M. Salazar, Case Manager [Exhibit 11: Alderete Supporting Material; Exhibit 12: Letter of Opposition]**

MR. SALAZAR: Thank you, Mr. Chair. I just handed out a letter of opposition. I'm not too sure. There's also pictures that the chair had asked for of the fence. I'll get into the report now.

The applicant is requesting a variance of Ordinance #2000-1, Height Standards for Walls and Fences of the Land Development Code to allow a twelve-foot fence. Ordinance #2000-1 states, the combined height of any freestanding wall or fence constructed atop a retaining wall shall not exceed ten feet.

On August 20, 2009 the CDRC met and acted on this case. The decision of the CDRC was to recommend approval of the requested variance.

On June 16, 2009 the applicant was issued a Notice of Violation by Santa Fe County Code Enforcement for constructing a fence greater than six feet without a permit. The fence has been constructed atop a retaining wall. The applicant applied for a development permit in June, however, the height exceeded the ten feet mentioned in Ordinance 2001-1 and the applicant preferred to leave it at its current height so as to match his neighbor's existing fence.

The applicant states the reason for constructing the fence is to have a buffer between him and his neighbor who he has been having problems with over the years which includes damage imposed upon his property."

The recommendation is the CDRC recommendation of approval with the following conditions. There's only two so I'll read them.

1. The applicant must comply with all other Santa Fe County and CID building permit requirements.

2. Compliance with minimum standards for Terrain Management as per the Environmental Requirements of the Land Development Code.

Should the BCC deny the applicant's request the applicant shall lower the fence height to comply with the County Code.

CHAIRMAN ANAYA: Questions of John? Okay, is the applicant here? Do you want to come forward? Do you have anything to add to the variance?

[Duly sworn, Josie Alderete testified as follows:]

JOSIE ALDERETE: My name is Josie Alderete. I am the wife of Leroy Alderete and we have a number of pictures and a little bit of a presentation we'd like to give to the Commissioners. We are here today to petition the County Commission to allow a variance to build a fence on top of our existing retaining wall. The total height of the retaining wall and the fence would be 12 feet as measured by the Land Use Department. There are three reasons why we want to build this fence.

One, we have been plagued by a problematic neighbor, George Luna, his son David and daughter-in-law Felicia. We want to continue the coyote fence that was erected by our neighbors Darren Ortiz, and three, we have been improving our home for the past eight years and we are hoping that these improvements will add to our current value as we plan to put our property on the market.

We have been in court battling issues with the Lunas for four years. We have been granted a settlement by Judge James Hall. However, the problems continue. Some of the problems consist of the Lunas parking junk cars on our property. The Lunas have stood up a towing and storage business which are essentially a towing truck and a junk yard. They also sell wood from their place of business and we only expect the problems to worsen as they have extended their business to their home. They bring home their towing truck and at any given time of the day or night we hear chainsaws and woodsplitters.

Another issue that we have faced recently is the erection of an illegal and unsightly adobe wall. The adobe wall exceeds the six-foot County regulations. David Luna stated in County Development Review Committee, the CDRC, in which you'll also find a copy of that as an attachment, I believe, meeting of August 20<sup>th</sup>, that he "follows the rules and Mr. Alderete should be held to them as well." It is obvious that the Lunas do not follow the rules.

David Luna has also stated in the CDRC meeting that he was representing the Luna family and other neighbors in the neighborhood. David Luna specifically stated that he was representing his aunt Cordelia Roybal. That could not be further from the truth as Mrs. Roybal has a permanent restraining order against David Luna and his family.

The next pictures that will be given to you were taken last night so please excuse the quality of the pictures. The pictures were taken last night and you will see that the latest junk of the Lunas, spent pallets that are being used, we assume, as fencing. However, this junk is resting inside of our property which we will have to continue to remove on our own.

In spite of the problems that we have endured from the Lunas over the years we have a wonderful relationship with the rest of our neighborhood. The pictures that you're going to be handed now is an aerial map of our neighborhood that we live in and the neighbors

surrounding us. You will also find a signed statement from several of our neighbors stating that they do not dispute the fence we want to erect, and a letter from Darren Ortiz stating the agreement that we have to build the latilla fence, which is a continuation of his fence. If I recall correctly, David Luna in the CDRC meeting indicated that we did not have permission from Darren Ortiz to build on his property and you'll find a letter there proving him different.

This next set of pictures, the next handout is another aerial view which will show you where the proposed fence line. David Luna also stated in the CDRC meeting on July 20<sup>th</sup> that he is thinking of putting a guesthouse on the vacant property. However, the vacant property next to our property belongs to George Luna and is only .43 acres. You will find the tax records to show that the properties belong to George Luna, based on County regulations you cannot build on a piece of property less than .75 acres.

In this next set of pictures that we're going to provide for you it will show a closer view of our building site and of the fence. These pictures will show a closer view of the latilla fence from the Ortiz property connecting and continuing onto our property.

CHAIRMAN ANAYA: I thought a good fence made good neighbors, but not in this case.

MS. ALDERETE: We're hoping that this is the case. As a matter of fact you ended my speech for me. You will also see how the fence will be seen from the road in this next set of pictures.

CHAIRMAN ANAYA: John, you're getting a workout today.

MS. ALDERETE: We wanted to give you a full view of what it is that we're dealing with here. These pictures are pictures that are taken from the road. Please note that the fence is partially erected. We were not aware of the fact that we had to have a permit to build a fence as we have never heard of anyone in the area having to do so. Also the dispute form David Luna stated that our fence would "make it like being a prison." And in another incident recorded by the Santa Fe County Sheriff's Department, "block his view."

These pictures here will show – the top picture is looking from the north wall from the Lunas' residence south to our property. The second picture, which is the picture below, the second picture will show the Luna property from the south at the site where the fence will be erected. As you could see the Luna's residence cannot be seen – cannot see a view as a six-foot wall and the foliage behind the six-foot wall would prevent any view at all.

And lastly, we stated we have been improving our home for the last eight years in spite of the legal interruptions. The next handout you will see – will show you our home and the location where the wall is to be built. You can see that we take pride in our home and we would do nothing to it to interrupt its beauty. In closing we ask that the Commission please grant us the variance. There has been a lot of money already invested in the material we purchased for the fence and the paperwork for the permits and this variance. We believe our neighbors agree, with the exception of David Luna, that the fence is attractive and adds to our neighborhood. And, as you say, Mr. Chair, we also believe that good fences make good neighbors.

CHAIRMAN ANAYA: Okay. You said you were going to build a fence



where this one already exists? You're going to build a wall? On this last picture?

MS. ALDERETE: You'll be able to see in the background of that what would be seen from the roadway.

CHAIRMAN ANAYA: But you're not going to take this fence down?

MS. ALDERETE: No, sir. That's a permanent and that was step one as part of our improvements.

CHAIRMAN ANAYA: Okay. Okay. Any questions of the applicant from the Commission? Oh, we've got a question. Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you. Twelve feet is pretty high. Why wasn't eight feet enough. With eight feet you can't see over the fence.

LEROY ALDERETE: The property levels are terraces. The neighbors property is like three feet higher than ours and we put that retaining wall that's in the picture there to hold back the soil and show it – the wall is only 24 inches high on one side and you can see in one picture where you can't really tell it's that high. On the other side it looks high but it's matching the neighbors wall, and he has six acres of that fencing. And all we're doing is approximately another 50 feet to finish the whole thing. So from one side you can that it looks like it's very tall. It's 12 feet. And that's the only part that can be seen and it will be seen by us. And my neighbor, Darren Ortiz, he totally agrees because that one section, like about 50 foot is on his property. And he says, continue. And in fact he even wrote a letter and says, I'm all for it. So we're just trying to continue to finish it. So from one side it only looks nine feet 9 ½ feet. On the other side it's 12 feet. But nobody can see that part except us, because you see there's a big cottonwood tree and my RV and stuff there. Nobody can see it from the road. The only one that can see it would be me and my wife and Darren Ortiz, and that's from our backyard.

CHAIRMAN ANAYA: Okay. Thank you, Leroy. Any other questions? Is there anybody in the audience, we're going to open it up for a public hearing, that would like to speak either for or against this case? Hearing none, the public hearing is closed. What's the pleasure of this Commission?

COMMISSIONER HOLIAN: Mr. Chair.

CHAIRMAN ANAYA: Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. First of all, thank you, Mr. and Mrs. Alderete for your presentation. It really was very helpful to enable us to sort of visualize what the situation was. I would like to move for approving the variance in CDRC Case V 09-5330.

COMMISSIONER MONTOYA: Second.

CHAIRMAN ANAYA: Motion by Commissioner Holian, second by Commissioner Montoya. Any further discussion? I feel like all the pictures that you gave us, I feel like I'm over there in – where are we? Cuarteles?

COMMISSIONER MONTOYA: Nambe.

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

**XII. G. 5. CDRC CASE # MP 09-5240 Zia RV Sales. Carlos Gallegos, Applicant, James Seibert, Agent, Request a Master Plan Amendment to Include 1.50-Acre Parcel As Part of a Previously Approved Master Plan. The Property is Located At 6 Taylor Road Via the Frontage Road, Within Section 5, Township 15 North, Range 8 East (Commission District 5) Jose E. Larrañaga, Case Manager**

JOSE LARRAÑAGA (Review Specialist): Thank you, Mr. Chair. On September 17, 2009, the County Development Review Committee met and acted on this case. The decision of the CDRC was to recommend approval of the applicant's request with all staff conditions.

The applicant requests a master plan amendment to incorporate a 1.50-acre parcel to an existing approved Master Plan. The existing master plan was approved on November 14<sup>th</sup> of 2006 by the Board of County Commissioners. The approved master plan consists of a caretaker's residence utilizing an existing modular home, a sales lot and sales office on 2.44 acres on the northerly side of Taylor Road and a caretaker's residence utilizing an existing modular home and a maintenance and parts center on one acre on the southerly side of Taylor Road.

Currently there is a manufactured home, septic and well on Tract C. The applicant proposes to utilize the existing manufactured home as a caretaker's residence and add a storage area for modular homes, RV's, and boats on the property. The proposed facility will be screened on the south and east boundaries by a 6-foot high coyote fence and a 25-foot wide landscape buffer. Tract C is contiguous to Tract B on the northerly side and is bordered on the west by the RV sales presently in operation."

Article V, Section 5.2.6.b states the Code Administrator may approve minor changes to the master plan. Any substantial change to land use or any increase in density or intensity of development in the approved master plan requires approval by the County Development Review Committee and the Board.

The site lies in an existing major commercial node established by the I-25/La Cienega interchange. The site is outside the La Cienega Traditional Community. The application was reviewed for the following: existing conditions, adjacent properties, parking, access, outdoor lighting, signage, water, fire protection, liquid and solid waste, terrain management, landscaping and archeology.

Recommendation: Staff has reviewed the applicant's proposal conjunctively with the existing master plan. Staff encourages the applicant to consolidate Tract B and Tract C to create a 2.5-acre parcel and remove the existing manufactured home on Tract C to allow the integration of Tract C to the existing master plan. Consolidating the two tracts would allow

the property to be conducive to the proposed use of the master plan and would aid the master plan in meeting the requirements set forth in the land development Code for final development plan.

Staff has reviewed this application and has found the following facts to support the submittal: The site lies in an existing major commercial node established by the I-25/La Cienega interchange; the proposed use is permitted within a major commercial district; the site is outside the La Cienega Traditional Community; the proposed master plan for Lot C meets the criteria set for in the Land Development Code.

The review comments from state agencies and development review services have established findings that the application is in compliance with Article III, Section 4 and Article V, Sections 5.1 and 5.2 of the Land Development Code. Staff recommends approval for the proposed master plan amendment to incorporate Tract C to the existing Zia RV Sales Master Plan based on the following conditions. Mr. Chair, may I enter those conditions into the record?

[The conditions are as follows:]

1. The master plan shall be recorded with the County Clerk's Office.
2. Approval of master plan is considered valid for a period of five years from the date of approval by the Board.
3. Preliminary/final development plan must be submitted per Article V, Section 7 of the Code prior to issuance of a Building Permit.
4. Compliance with applicable review comments from the following:
  - a. State Engineer
  - b. State Environment Department
  - c. State Department of Transportation
  - d. County Hydrologist
  - e. County Fire Marshal
  - f. County Public Works
  - g. Building and Development Services Comments and Conditions
5. All staff redlines must be addressed; original redlines shall be returned with revised plans.
6. A conceptual terrain management plan shall be submitted as required by County Technical Review prior to recordation of the master plan.
7. The applicant shall work with the Department of Water Resources to refine the water budget.
8. The applicant shall work with the Department of Public Works regarding roadway improvements.
9. Access shall be taken via Taylor Road utilizing the existing platted easement.

CHAIRMAN ANAYA: Any questions?

COMMISSIONER MONTTOYA: Mr. Chair.

CHAIRMAN ANAYA: Commissioner Montoya.



COMMISSIONER MONTOYA: Jose, is the applicant in favor of or approves of all of the conditions that you've listed there? Those nine conditions?

MR. LARRAÑAGA: Mr. Chair, Commissioner Montoya, at the CDRC, the applicant did agree to all of them.

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

CHAIRMAN ANAYA: Thank you, Commissioner. Okay, is the applicant here?

JIM SIEBERT: Mr. Chair, Commissioners, my name is Jim Siebert. My address is 915 Mercer.

[Duly sworn, Jim Siebert testified as follows:]

MR. SIEBERT: Let me give you kind of a visual overview of the property. This is the I-25 frontage road here. The La Cienega interchange sits right here. The existing modular home sales sits here. The areas in green that we've noted here, the triangular shape and the one right below it was part of the original master plan and what's been requested is that this 1.5-acre tract that Mr. Gallegos has owned for, oh, probably about ten years now, over ten years, be incorporated into the overall master plan for the property.

We are in agreement with all conditions as stated by staff. In terms of the consolidation removal of the mobile home, let me give you some personal insight into that. First of all, it's not something that's really required by Code. It's just encouraged by staff. The existing modular home on it is – actually the person that's there is a single man that's been living there for ten years. He is the son of a long-term employee of Mr. Gallegos. And Mr. Gallegos would prefer not to have to remove him. I think the other thing, in talking to Mr. Gallegos today, the other thing that's becoming more critical is he also serves a security guard function and recently there've been more break-ins into the modular homes than he's experienced in the past. So he thinks there's a much greater need for security on site. So with that I'll answer any questions you may have.

CHAIRMAN ANAYA: Any questions of Jim? Hearing none, this is a public hearing. Is there anybody in the audience that would like to speak either for or against this case? Hearing none, what's the pleasure of the Commission?

COMMISSIONER HOLIAN: Mr. Chair.

CHAIRMAN ANAYA: Commissioner Holian.

COMMISSIONER HOLIAN: I move for approval with staff conditions.

CHAIRMAN ANAYA: Motion by Commissioner Holian. Is there a second?

COMMISSIONER STEFANICS: I'll second.

CHAIRMAN ANAYA: Second by Commissioner Stefanics. Any further discussion?

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

**XII. G. 6. CDRC CASE # MP/PDP 09-5230 Galisteo Village Store. Timothy Willms Applicant, Linda Tigges, Agent, Request Master Plan and Preliminary Development Plan Approval for the Galisteo Village Store, Private Social Club, Studio/ Office and Residence Consisting of a Footprint of 4,952 Square Feet on .568 Acres. The Property Is Within the Traditional Community of Galisteo At 2 Via La Puente, Within Section 36, Township 14 North, Range 9 East. (Commission District 3) Jose E. Larrañaga, Case Manager**

MR. LARRAÑAGA: Thank you, Mr. Chair. On October 15, 2009, the County Development Review Committee met and acted on this case. The decision of the CDRC was to recommend approval of the request with all staff conditions.

Currently there are three structures, one of which was utilized in the past as a general store, a residence and a building currently used as an office/studio. The applicant proposes to utilize the existing structures, with some minor expansion and improvements, for the proposed development.

The structure, which historically operated as a store formerly known as La Tiendita and Anaya Country Store, will be used as a coffee shop, grocery store, small art gallery, village social club and community kitchen. A 270 square foot bathroom addition is proposed for this structure. A 1,069 square foot addition will be added to the residence. The building, currently used as an office/studio, will be utilized as an office and a 220 square foot bathroom and walk-in freezer area is proposed to be added to this building. The total footprint of the proposed development will consist of 4,952 square feet and meets the 20 percent lot coverage requirement for this development.

The applicant holds a lease to an adjoining .270-acre parcel which is owned by the New Mexico Land Office. This parcel of land will be utilized by the proposed development for access, overflow parking and leach fields for the septic system. The use of the leased parcel for leach fields has been approved by the New Mexico Environmental Department.

The applicant has met with the Galisteo Neighborhood Association to discuss the project and states that the community is in support of the proposed development. The application was reviewed for the following: existing conditions, adjacent properties, parking, access, outdoor lighting, signage, water, fire protection, liquid and solid waste, terrain management, landscaping and archeology.

Recommendation: Staff has reviewed this application and has found the following facts to support this submittal: The proposed site represents a significant piece of history of the Galisteo Community; The applicant has taken measures to preserve the historic integrity of the structures and the community; The applicant has met with the community to discuss the proposed development; The proposal for master plan and preliminary development plan meets the criteria set forth in the Land Development Code.

The review comments from state agencies and development review services have established findings that this application is in compliance with Article V, Section 5, Article

III, 4.2.2 and Article III Section 4.4 of the Land Development Code. Staff recommends master plan zoning and preliminary development plan approval, of the Galisteo Village Store, private social club for the village, office and residence consisting of a footprint of 4,952 square feet on .568 acres, subject to the following conditions. Mr. Chair, may I enter these conditions into the record?

[The conditions are as follows:]

1. All staff redlines shall be addressed, original redlines will be returned with final plans for master plan.
2. Compliance with applicable review comments from the following:
  - a) State Engineer
  - b) State Environment Department
  - c) State Department of Transportation
  - d) County Hydrologist
  - e) County Fire Marshal
  - f) State Historic Preservation Division
  - g) Development Review Services Comments and Conditions
3. The applicant shall comply with all requirements of the County Land Development Code.
4. Master plan with appropriate signatures, including the signature of the New Mexico State Land Commissioner (or representative of), shall be recorded with the County Clerk.
5. The applicant shall submit a final development plan to be approved by the County Development Review Committee prior to the issuance of any permits for grading or building permit.
6. Due to the historical nature of the property and the close proximity to an existing church, any zoning statement, for, or variance of, the Alcohol and Gaming requirements for the issuance and or approval of a liquor license, shall be presented to the Board of County Commissioners for consideration.

CHAIRMAN ANAYA: Thank you, Mr. Larranaga. Linda, how long is this going to take? About two minutes?

LINDA TIGGES: Two and a half.

[Duly sworn, Linda Tigges testified as follows:]

MS. TIGGES: Linda Tigges, Tigges Planning Consultants. I'd like to introduce the applicant, Timothy Willms, and Steven Samuelson, the architect, who will be helping with the presentation, and Mustafa Chudnoff, who is also in the audience prepared to answer questions. The property is located at State Road 14 and Via La Puente. As I think you can see here – here's State Route 14, here's Via La Puente and the church is over here towards the west.

The subject property is this northern parcel. The applicant also has a commercial lease with a 35-year easement for the septic. This belongs to the State Land Office and he does



have an option to buy that as such time as it becomes available. However, what you're reviewing tonight is the private parcel in the county. We do agree with the conditions of approval. We've met with the neighbors several times. We had two formal meetings in August. We attended the Main Street meetings in that area as well as the general plan meetings and the New Mexico Department of Transportation meetings. They've been having a lot of meetings down there. And we had one-on-one conversations with people.

As a result of these we did change our development plan and made several changes in regard to height, land use, parking and lighting. In addition, the store is a historic structure and we did have members of the New Mexico Historic Preservation Division on site reviewing it. These historic structures, I think a lot of you remember it as La Tiendita or the Anaya Country Store.

The application is for a master plan, a rezoning, and a development plan. The store has been used – the building has been used as a store for many years but it was left vacant for some time so we were not able to grandfather the land use part of the project. There's a variety of uses being presented including the coffee shop, a grocery store, an art gallery and the community social club, the community kitchen, as well as an office and studio.

There's been a lot of neighborhood interest in this, community interest, and I think there are some of them here ready to tell you about that. With the closing of the Galisteo Inn there really isn't any area, any place in the community that has a non-residential use. There's no place to meet, they tell us, outside of a home. And two comments we got most frequently on this was when is it going to open? And why is it taking so long? So we're hoping that this will show them that we are making progress on it.

For the store we will be asking for a wine growers' license from the state. That will allow us wine from registered growers to be sold by the bottle and glass. I want to emphasize it's not intended to be a conventional bar but available to people from the community and their guests. And one idea on how to do with this has to do with signage, limited signage and also having a nominal membership fee.

As part of the community social club, however, it will be part of a second phase. The first phase, the first priority is to get the store open, let that evolve and see how it goes and then move to the club. At the request of a neighbor we did agree to move the social club away from a residential structure, existing structure that was adjacent to her property to a space created for it at the store. Because the store is within 300 feet of the church we will be coming back to you for a waiver for the liquor license. The applicant, Timothy Willms, has met with the priest at the church and he nobly said he was comfortable with the waiver. I'd like to turn it over to Stephen.

[Duly sworn, Stephen Samuelson testified as follows:]

STEPHEN SAMUELSON: Hello, my name is Stephen Samuelson, planning architecture, located at 344 Agua Fria Street. I'm really here just to go over some the architectural elements and features just so you have a better understanding of what we're doing. I wish I'd brought a smaller plan for you that you can see closer but you have one in your packet of the site plan. The lighter shade wall areas are the existing buildings and the

darker areas are what we're proposing to add on. And essentially, just so you understand the scale of this project, the existing general store is around 1,500 square feet, and we propose adding a 250 square foot area for a bathroom. We have another existing structure that's about 900 square feet and we propose a future addition for that as a residential unit. And the small shack is about 750 and we propose adding a small bathroom to the back of that building.

We have met with the Department of Transportation and we're moving the entrance to the property, which currently enters a little closer to this intersection down 170 feet to enter into the adjacent property which also provides overflow parking and enters onto this property. We will put a pedestrian gate so that people can cross the street, enter, and have access that way. We are providing low lighting levels, enough for safety, but all lighting will be shielded. Minimal signage. We have a cistern we're going to be installing underground to capture about 10,000 gallons of water. We will collect that from the roof structure. That water will be used to water the landscape, which again, is minimal. We were fortunate to have very large elm trees in the courtyard here.

I'm trying to think of what else is interesting you may want to know. The building that housed the original market we are restoring to its original character and as Linda said a year and a half ago we actually received approval from the Department of Cultural Affairs to preserve this and they recognize the importance of that structure. So we're going to take great care in restoring that. And, other than that, if you have any questions I'd like to answer them.

CHAIRMAN ANAYA: Go ahead, Commissioner Holian.

COMMISSIONER HOLIAN: I just have one question. How many parking spaces do you have?

MR. SAMUELSON: Right now we have on the property seven spaces, plus one handicap here. We have two which would provide parking for the residential unit or the workers. And we have an additional seven in this area. So what is that? Seventeen.

COMMISSIONER HOLIAN: And when the Department of Transportation looked at it they thought that was sufficient for the uses?

MR. SAMUELSON: The Code requires one parking space for every 200 square feet of retail and one for 300 square feet of office. So they averaged it to 250 square feet and we divided that into the square footage, and I think it meets the parking requirements. It's stated in there it requires 20 spaces. We provided 17 and they determined that was adequate. However, if there is an event, or should there be any reason to have additional parking, the neighbor next-door, the Quinns, have agreed to allow overflow parking there, and the community center would also be, if there is anything that may require additional that has been used traditionally for the bike [inaudible] and also the church. So there are other areas around that we could access for parking. We also have enough space on the State Land Office property to squeeze more cars in; we just didn't want to emphasize that too much.

CHAIRMAN ANAYA: Okay, so Steve, the existing building, the residence? That is going to continue being a residence?

MR. SAMUELSON: There will be a residential addition to that building in the

future. I don't think the intent is to do that immediately, and the interim use of that building would be for some packing and receiving and just as an office set up.

CHAIRMAN ANAYA: So it's not a residence.

MR. SAMUELSON: No.

CHAIRMAN ANAYA: So there's no residence no there then?

MR. SAMUELSON: Correct. Yes. The addition would be utilized as a residence if in the future the owner wanted to have somebody stationed on the property, living there, caretaking that property.

CHAIRMAN ANAYA: Okay. That's the residence. The other part is for – what is it for?

MR. SAMUELSON: To be utilized right now, he's going to set up a little storage area and just some packing and receiving some of the product that he prepares.

CHAIRMAN ANAYA: And you have the office and then you have the existing non-historic building. What are you going to use those for?

MR. SAMUELSON: The other office is a small studio space, office space for the owner to have adjacent to the business.

CHAIRMAN ANAYA: Then you have where the traditional village store is, new commercial kitchen, coffeeshop/bar. Okay.

MR. SAMUELSON: It's a small set up.

CHAIRMAN ANAYA: All right. Is there any other questions? None? Are you finished with your presentation?

MR. SAMUELSON: Yes, if you don't have any more questions.

CHAIRMAN ANAYA: This is a public comment, public hearing. Is there anybody in the audience that would like to speak for this case? Come on up.

[Duly sworn, Amy Tremper testified as follows:]

AMY TREMPER: Hi, I'm Amy Tremper from Galisteo. I just want to say that I think this is a terrific project. I think everyone I speak to in Galisteo feels the same way. It's nice in times like these when gas is so expensive that we would have a place to go get some mile. Thanks.

CHAIRMAN ANAYA: Thank you, Amy. Is there anybody else who'd like to speak? Lucy. Now this is for against.

[Duly sworn, Lucy Lippard testified as follows:]

LUCY LIPPARD I just want to second what Amy said. As you probably know we've long been waiting for a place where we could have a coffee shop. We've been militating for this ever since I've lived there which is now 17 years. So I'm definitely for it and I think most of the neighborhood is and they seemed to have solved the problems with the immediate neighbors and so forth.

CHAIRMAN ANAYA: Thank you, Lucy. Anybody else like to speak? Come on up, Barbara.

[Duly sworn, Barbara King testified as follows:]

BARBARA KING: I just want to add also that I think everyone's very excited



in the village to have some place where we can gather and get together. I think just because there aren't people here is because everybody's in favor of it.

CHAIRMAN ANAYA: Thank you, Barbara. Anybody else? Okay, this public hearing is closed. What's the pleasure of the Commission?

COMMISSIONER STEFANICS: Mr. Chair, I move to approve, with staff conditions.

COMMISSIONER MONTOYA: Second.

CHAIRMAN ANAYA: Motion by Commissioner Stefanics and second by Commissioner Montoya. Any further discussion?

COMMISSIONER HOLIAN: I would just like to say that this is going to be a great addition to the community.

CHAIRMAN ANAYA: Now we can get coffee.

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

**XIII. ADJOURNMENT**

Chairman Anaya declared this meeting adjourned at 7:25.

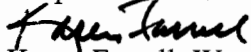
Approved by:

\_\_\_\_\_  
Board of County Commissioners  
Mike Anaya, Chairman

ATTEST TO:

VALERIE ESPINOZA  
SANTA FE COUNTY CLERK

Respectfully submitted:

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