

SANTA FE COUNTY
BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING

November 8, 2011

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



COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

BCC MINUTES
PAGES: 24

I Hereby Certify That This Instrument Was Filed for
Record On The 14TH Day Of December, 2011 at 01:51:52 PM
And Was Duly Recorded as Instrument # **1654260**
Of The Records Of Santa Fe County

Deputy Marcello [Signature])
Witness My Hand And Seal Of Office
Valerie Espinoza
County Clerk, Santa Fe, NM

SFC CLERK RECORDED 12/14/2011

SANTA FE COUNTY
REGULAR MEETING
BOARD OF COUNTY COMMISSIONERS

November 8, 2011

This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 2:00 p.m. by Chair Virginia Vigil, in the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

Employees of the Finance Department, Carole Jaramillo and Micah Zamora led the Pledge of Allegiance and State Pledge, following roll call by County Clerk Valerie Espinoza which indicated the presence of a quorum as follows:

Members Present:

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

Members Excused:

[None]

V. INVOCATION

An invocation was given by Ken Baros from the Finance Department.

VI. APPROVAL OF THE AGENDA

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- B. Tabled or Withdrawn Items**

County Manager Katherine Miller said there were no changes to the agenda.

Commissioner Holian moved to approve. Commissioner Stefanics seconded and the motion passed by unanimous [5-0] voice vote.

VII. APPROVAL OF CONSENT CALENDAR

A. Consent Calendar Withdrawals

Commissioner Holian moved to approve the Consent Calendar as published. Her motion was seconded by Commissioner Stefanics and passed by unanimous [5-0] voice vote.

XII. CONSENT CALENDAR

A. Final Orders

1. CDRC Case # V 11-5180 John Robertson Variance. John Robertson, Applicant, Requested a Variance of Article III, Section 10 (Lot Size Requirements) of the Land Development Code to Allow a Second Dwelling Unit on 10.17 Acres. The Property is Located Off Highway 14 at 35 North Fork, within Section 25, Township 15 North, Range 8 East (Commission District 5) Approved 5-0, Wayne Dalton

2. CDRC Case # V 11-5200 Jesus Garcia-Solis Variance. Jesus Garcia-Solis, Applicant, Requested a Variance of Ordinance No. 2002-9, (La Cienega/La Cieneguilla Traditional Community Zoning District), Section 6.4.2 to Allow a Second Dwelling Unit on 2.53 Acres. The Property is Located in the Vallecita De Gracia Subdivision, Off Los Pinos Rd. (County Road 54) at 1 Corte Gracia, within Sections 22, 27 & 28, Township 16 North, Range 8 East (Commission District 3) Denied 5-0, Wayne Dalton

B. Miscellaneous

1. Resolution No. 2011-164, a Resolution Requesting an Operating Transfer From the General Fund (101) to the Property Valuation Fund (203) to Repair a County Vehicle Involved in an Accident / \$1,856.12 (County Assessor)

VIII. APPROVAL OF MINUTES

A. BCC Meeting Minutes, September 27, 2011

With no corrections, Commissioner Stefanics moved to approve the minutes. Commissioner Holian seconded and the minutes of the September 27, 2011 meeting were unanimously [5-0] approved.

IX. MATTERS OF PUBLIC CONCERN – Non-Action Items

Chairwoman Vigil solicited comments from the public and none were offered.

The Commission shared condolences with the family of Rick Castellano, a long-time County employee, who recently passed. Also mentioned was the passing of Gerald Gonzalez, a previous County Attorney and Manager.

Commissioner Stefanics observed that the loss of any community member is to be honored and recognized.

A moment of silence was observed.

X. MATTERS FROM THE COMMISSION

A. Resolution No. 2011-65: A Resolution Endorsing Funding for Operation, Management, and Maintenance for County Open Lands, Parks and Trails and Authorizing the Trust for Public Land to Continue to Provide Technical Assistance to the County for Conservation Finance Strategies (Commissioner Holian)

Commissioner Holian said that since 1998 Santa Fe County voters have three times approved bonds for open space, parks, and trails by an outstanding margin. This resolution will facilitate developing public access and care for the purchased property by directing staff to include in future County budgets adequate staffing and financing to accomplish the management, operations, and maintenance of County open space for the public benefit and ensuring that staff continues to seek input from the Trust for Public Land regarding structuring future conservation finance strategies.

Dr. Beth Mills, Open Space planner, said the challenge has been finding funding to adequately maintain the properties.

Sam Pallin, Chair of COLTPAC, stated that the long-term vision is to connect open spaces via trails. He spoke to the importance of developing volunteerism and said COLTPAC was clearly dedicated to that notion.

Commissioner Anaya agreed that volunteers were crucial to the success of the program and said more private participation was needed.

Commissioner Stefanics supported the resolution stating it reinforces the wishes of the Santa Fe County voters and puts the topic on the budget agenda. She asked staff to investigate Volunteers for the Outdoors.

**Commissioner Holian moved to approve Resolution 2011-1065.
Commissioner Stefanics seconded and the motion passed by unanimous [5-0] voice vote.**

X. B. **Resolution No. 2011-166: A Resolution to Support Film and Media Industry Economic Development Activities in Santa Fe County as a Means to Achieve a Sustainable Local Economy and to Stimulate Local Job Creation and Retention (Commissioner Vigil)**

Chair Vigil said the film and media industry is one of the best projects for economic development. The industry is green, sustainable and creates jobs for the citizens of Santa Fe County. She highlighted the passage of Santa Fe County Ordinance 2007-1 which helped to create a specific district where a variety of media businesses including the film industry, publishing industry and broadcast media uses can be located to accommodate and support the special needs of these types of activities. Santa Fe County adopted in 2008 an ordinance in support of a Local Economic Development Act (LEDA) project with Santa Fe Film and Media Studios and La Luz Holdings LLC to construct and operate a film and multi-media production studio. The initial phase of the LEDA project has created more than 160 construction and related jobs in recent months offering direct benefits to address the current economic recession. She noted that New Mexico continues to gain market share in the overall domestic film industry and the potential for economic growth to the region and state is tremendous.

Chair Vigil said Santa Fe Studios' grand opening is tomorrow and she understood the Governor would be in attendance. She requested the Commission's support of the film and media industry as a viable targeted cluster industry which will promote sustainable local economic and community development.

Jon Hendry, business agent for the film technicians union, discussed a new pilot being filmed in Santa Fe and mentioned that a picture being filmed in Commissioner Mayfield's district was also written by a district resident.

Mr. Hendry spoke with enthusiasm about tomorrow's grand opening of the Santa Fe Studio stating it is a state-of-the-art facility and *The Los Angeles Times* and *Hollywood Reporter* would be covering the event. The Studio has created jobs and will bring hope and opportunity to the young people of Santa Fe County, stated Mr. Hendry.

Jennifer Garcia, President, Northern NM Central Labor Council, thanked the Commission for their foresight and said this industry is important to the growth of northern New Mexico.

Inn of Loretto general manager and vice chair of the New Mexico State Lodgers Association Stefan Hugo thanked the County Commissioners, emphasizing the business it will bring to Santa Fe.

Elaine Sullivan identified herself as a medical practitioner and highlighted the number of medically uninsured in the community. She said the film industry, which provides decent benefits will help offset the expenses of the uninsured.

Native Santa Fean Ernest Sanchez said he has been making his living through the film industry for years and was pleased to be able to move back to Santa Fe to do so. He said he makes a good living, has healthcare and a pension.

Realtor Frank Evan said his business and that of many other realtors was saved by the film industry.

Jennifer Hubbard, La Posada Resort Hotel, said the film industry has provided a continuous revenue stream for the hotel which translates to maintaining the hotel's staff year-round. She thanked the Commission for recognizing the important role the film industry plays in Santa Fe County's economy.

Another individual representing the hospitality industry of Santa Fe said the film industry will bring job sustainability to the area. She asked those present in support of the industry to stand and approximately 50 individuals stood. There was no one present in opposition.

Commissioner Holian said she is a long-time supporter of the film industry. She was excited by the opportunities it will bring to the community's youth.

Commissioner Anaya asked how people could make themselves valuable to the industry and what skills they could offer. Mr. Ernest Sanchez responded that Santa Fe Community College is offering valuable courses – make-up artistry, film crew, crew internship, digital editing – to enter the industry. He encouraged those interested to avail themselves of an educational background.

Mr. Hendry emphasized that Santa Fe itself is the studio rather than the focus on Santa Fe Studios. He mentioned the importance of brokering rebate opportunities.

Commissioner Anaya said it was critical that locals obtain education and training to achieve greater career opportunities.

Commissioner Stefanics said supporting the film and media industry is a pleasure. She said these are clean industries that will continue to flourish in our community and provide opportunities to all. She mentioned the inroads the Film Department at Santa Fe Community College has already provided. "We need to bring opportunities to us," stated the Commissioner.

Commissioner Mayfield said he too was supportive of the industry and wanted to see the Santa Fe taxpayers get their investment out of it. He mentioned a constituent with an interest in the industry and Mr. Hendry said he welcomed phone calls from individuals interested in working in the industry.

Commissioner Vigil said the mentorship programs provide a wealth of opportunity in the community and moved to adopt Resolution 2011-166. Her motion was seconded by Commissioner Holian and passed by unanimous [5-0] voice vote.

X. C. Proclamation Recognizing Matthew Beaver's Courageous Battle with Bone Cancer and He and His Family's Love and Service to Santa Fe County (Commissioner Vigil)

Chair Vigil said she was particularly honored to present this proclamation to the Commission and recited the proclamation which delineated the Levants' long and distinguished careers in public service and non-profit charity work in Los Angeles; their move to Santa Fe County in 2004, a visit from the children and grandchildren where the young, then 13, Matthew Beaver became enchanted with the beauty of Santa Fe and wrote the following poem:

Santa Fe, New Mexico, how beautiful it is.

Fluffy clouds that go on for miles, the warm weather, the colorful trees that seem to change every day.

Wide open pristine space.

Feel the wind rush past you.

Watch the lightning light up the sky.

Let the sun shine on your face and let the warmth rush in.

The stars are bright and shine through the night and make the moonlight brilliant.

Taste the warm, fine air and breathe it in with pleasure.

The green grass, the dirt cliffs, the waterfalls, soak into you like heaven.

The proclamation describes how Matthew was stricken with a rare form of bone cancer (Ewing's Sarcoma) and underwent a series of treatments and succumbed to the cancer on January 14, 2009. His grandparents, Santa Fe County residents Glenn and Jayne Levant, adopted Santa Fe County Road 85 in honor of Matthew and his family. His family has faithfully kept the road litter-free in honor of Matthew's memories of Santa Fe's pristine nature.

Accepting the proclamation for the family was Glenn Levant, Matthew's grandfather. He thanked the Commission and noted special appreciation to Ms. Rita Maes. He said keeping the highway clear of litter is important and he hoped more people would participate.

The Commissioners noted the importance of the Adopt-a-Road program and highlighted that this is another important program afforded by volunteerism.

Chair Vigil moved to approve the proclamation recognizing Matthew Beaver's courageous battle and his family love and service to Santa Fe County. Commissioner Stefanics seconded and the motion passed by unanimous [5-0] voice vote.

XIII. STAFF AND ELECTED OFFICIALS' ITEMS

Recognizing that staff was present for item F.3 and using the Chair's prerogative Chair Vigil revised the agenda to address the Projects and Facilities Division.

F. Public Works Department

3. Presentation of Projects and Facilities Division Personnel and Upcoming Goals and Objectives

Mark Hogan, Santa Fe County Property and Facilities Department Director, appeared before the Commission with a backdrop of Arroyo Hondo, and discussed the strong personnel in his department that work diligently to accomplish its goals.

Commissioner Stefanics requested that Mr. Hogan forward a listing of his department staff to the Commissioners.

Paul Olafson, Deputy Department Director, described the projects in his division and highlighted that Marla Doyle, Utilities Senior Engineer, is working on TL6S Lamy junction, which is the Eldorado waterline project. He said he supervises the project managers on all County related projects.

Colleen Baker, Open Space Manager, introduced the staff in her division: Beth Mills, Scott Kaseman, Albert Lucero and Charles Gonzales, and said their focus was on planning, stewardship and outreach programs regarding open space and trail networks. The program aims to develop open space and trails planning and management based on integration with existing regulations and requirements as well as cooperative efforts between private entities, non-profit organizations and governmental agencies. Currently the Program manages 6,610 acres of open lands, 155 acres of parks, and 34 miles of trails.

Frank Jaramillo, Operations Manager, said his division "keeps the lights on and the toilets flushed." He introduced the 13 employees: Philip Montano, Mark Rodriguez, Raymond Griego, Rudy Lopez, Calvin Martinez, Danny Lucero, Lawrence Montoya, Chris Anaya, Mike Romero, Jasper Roybal, Carl Tapia, Tim Sedillo, Ray Griego. The division is responsible for providing services in the areas of renovation, physical plant/structural maintenance, preventive maintenance and repairs of county facilities.

Mr. Hogan commended Mr. Jaramillo and his team for always being in front of the problems.

Ish Lovato, Maintenance Department Director, said his team maintains over 259,000 square feet daily which includes 128 bathrooms. He introduced his team as follows: Roman Mata, Frankie Baca, Ted Valdoz, Johnny Romero, Sammy Romero, Jerome Boyle, Christina Sanchez, Jude Torrez, Rick Miera, Ron Lucero, Patricia Cordova and Antonio Garcia.

Mr. Hogan lauded the County's employees stating they are a tremendous resource. He said through property management there will be greater consistency and efficiency in all resources.

Agnes Leyba-Cruz, Projects Specialist, said her department is responsible for contracts management, grants administration, all purchasing and building management as far as leases and tenant agreements. Her department includes Shelley Dimas, Lisa Griego, and Laura Epler.

Mr. Hogan introduced Rudy Garcia who is primarily the County's Legislative Liaison and works hard lobbying for the County's projects. He also manages projects.

There was Commission consensus that the department was made up of fantastic people.

Ms. Miller remarked that for the number of facilities, properties, open space and trails the County manages, this department is relative small. Commissioner Stefanics said obtaining a listing of the Department's employees and responsibilities will better demonstrate to the public the County's achievements.

Chair Vigil said what particularly pleased her was the caringness the employees conveyed regarding their responsibilities.

XIII. A. Human Resources Department

1. Request Approval of the Collective Bargaining Agreement Between the County of Santa Fe and the New Mexico Coalition of Public Safety Officers (Regional Emergency Communications Center- RECC)

Bernadette Salazar, Human Resources Director, said the Santa Fe County Management Team and the New Mexico Coalition of Public Safety Officers (NMCP SO) began negotiating a collective bargaining agreement in May 2011. The parties have mutually agreed upon the entire contract and it has been ratified by the membership of the union.

Ms. Salazar said the agreement includes language clarifications and changed items were highlighted within the Commission packet.

Representing the union, Amanda Gonzales, RECC, said she was very appreciative of the process and asked the Commission to approve the agreement. She noted they have gone three years without a raise and this agreement would begin to rectify that.

Commissioner Holian moved to approve the collective bargaining agreement between Santa Fe County and the New Mexico Coalition of Public Safety Officers.

Her motion was seconded by Commissioner Stefanics and passed by unanimous [5-0] voice vote.

XIII. A. 2. Request Approval of the Collective Bargaining Agreement Between the County of Santa Fe and the New Mexico Coalition of Public Safety Officers (Sheriff's Deputy Union)

Ms. Salazar indicated that negotiations on this collective bargaining agreement also began in May 2011. The parties worked diligently to come to a consensus in the best interest of the citizens, the County and employees. The parties have mutually agreed upon the entire contract and it has been ratified by the membership of the union.

Ms. Salazar noted that the collective bargaining agreement consists of language clarification, and changed items were highlighted with the packet material.

Speaking for the union, Detective James Yaeger said he was pleased with the process and the results. He requested the Commission's support of the agreement as presented.

Commissioner Holian moved to approve the collective bargaining agreement between Santa Fe County and the New Mexico Coalition of Public Safety Officers. Her motion was seconded by Commissioners Mayfield, Anaya and Stefanics and passed by unanimous [5-0] voice vote.

Chair Vigil announced an audio problem with the broadcast of this meeting and asked that the Board proceed with executive session at this point to afford technical staff an opportunity to work on the issue. [The issue remained unresolved throughout the meeting.]

XIII. H. Matters From the County Attorney

1. Executive Session

a. Discussion of Pending of Threatened Litigation

b. Limited Personnel Issues

c. Discussion of the Purchase, Acquisition or Disposal of Real Property or Water Rights

d. Collective Bargaining

e. Contract Negotiations Under the Procurement Code

f. The Mutual Release and Settlement Agreement in the Case of *Stephanie Oshel v. the Board of County Commissioners, et al.*, United States District Court Cause No. 9-CV-764-RB/RHS

Mr. Ross advised the Board that items A and F were relevant for this afternoon's executive session.

Commissioner Holian moved to go into executive session pursuant to NMSA Section 10-15-1-H (5 and 7) to discuss the matters delineated above. Commissioner Stefanics seconded the motion which passed upon unanimous roll call vote with Commissioners Vigil, Anaya, Holian, Stefanics, and Mayfield all voting in the affirmative.

[The Commission met in executive session from 3:20 to 4:20.]

Commissioner Holian moved to come out of executive session having discussed only the matters outlined in the agenda, and Commissioner Mayfield seconded. The motion passed by unanimous [4-0] voice vote. [Commissioner Stefanics was not present for this vote.]

XIII. H. 2. Consideration and Approval of the Mutual Release and Settlement Agreement in the Case of *Stephanie Oshel v. the Board of County Commissioners, et al.*, United States District Court Cause No. 9-CV-764-RB/RHS

No action was taken on this issue.

XII. E. Matters From the Ethics Board

1. Ordinance No. 2011-11, An Ordinance Enacting Amendments to Ordinance No. 2010-12 (the Santa Fe County Code of Conduct), Amending Definitions, Amending Disclosures to Require Affirmative Disclosure of Conflicts Resulting in Recusal Or Otherwise, Increasing the County Ethics Board to Five Members, Including an Additional Penalty of Removal From Office, and Repealing Inconsistent Language (Public Hearing)

Lisa Roybal, County Manager's Officer, introduced Ethics Board Chair Randy Forrester and Vice Chair Adair Waldenberg and said the Board met on October 3rd to discuss and make recommendations regarding the language on "volunteers" in the Code of Conduct Ordinance. The Santa Fe County Code of Conduct (Ordinance 2010-12) requires volunteers of County government to complete a Conflict of Interest Form. Section 2 states that elected officials, appointed officials, employees and volunteers of Santa Fe County government be independent, impartial and responsible to the people; that decision of the government and development or policy are made fairly, legally and as a result of a fair and open process; that public office of the pursuit of public office should not be used for personal gain or influence and the public have and maintain confidence in the integrity of government.

The ordinance, stated Ms. Roybal, is to provide for transparency and establishes expected conduct within County government and is key to County operations.

Ms. Roybal said that volunteers are a key component of Santa Fe County's operations. The County utilizes volunteers in the senior centers, Corrections Department,

teen court, firefighters, committee/board members and community members who provide feedback through community meetings. She said mandating all volunteers to complete the Conflict of Interest forms on an annual basis can be burdensome and may discourage community members from volunteering.

Ms. Roybal reviewed the recommended definition language for volunteers and the Ethics Board's recommendation to increase the Board to five members.

Commissioner Anaya asked for the reasoning behind expanding the Board membership. Mr. Forrester used the example of the City of Santa Fe's Ethics Board, that on occasion, with conflicts of interest were unable to obtain quorum to act on certain items.

Ms. Waldenberg said it was important that the Board be able to act quickly on issues and expanding the membership to five will improve on that.

Commissioner Anaya said he would support expanding the Board with the caveat that a member can serve only two consecutive terms. There was Commission agreement on that point.

Mr. Forrester advised the Commission that the Ethics Board has independent legal counsel who will direct the Board regarding procedures. Appropriate items will be forwarded to the Board of County Commissioners with the recommendation of the Ethics Board.

Commissioner Anaya said with the expansion to five members, he'd like to see a representative from each district.

Ms. Waldenberg said promoting objectivity is critical to the Ethic Board's process and she recommended membership be based on an individual's credentials keeping in mind the Ethics Board is responsible for ethics of the entire County.

Commissioner Holian said appointing membership by districts made her uncomfortable and presented a bad perception.

Chair Vigil said maintaining the objectivity of the Ethics Board was paramount and she agreed that appointment should be based on credentials. She said it was important that politics not overlap a decision regarding an ethics violation.

Mr. Forrester reminded the Board that they would be presented with a quarterly report from the Ethics Board.

In terms of an Inspector General for the County, Ms. Roybal said the Ethics Board discussed the issue and understanding the County's budgetary constraints the notion failed to gain support.

There were no other comments from the public and Chair Vigil closed the public hearing.

Commissioner Mayfield said he has received calls from senior center volunteers who object to the criminal background check. He said these individuals are trying to do good and the County needs to encourage rather than discourage participation.

Ms. Salazar said the necessity of a criminal background check is determined by the Human Resource Division.

Commissioner Mayfield requested that the County's Conflict of Interest Statement form be posted on the County's website.

Commissioner Anaya moved to approve Ordinance 2011-11 as presented by staff with the following amendment: Section 7. A, last sentence: Each member shall serve a two-year term, subject to reappointment thereafter, but shall not serve more than two consecutive terms. Commissioner Mayfield seconded.

Upon roll call vote with Commissioners Vigil, Stefanics, Anaya, Holian and Mayfield all voting in the affirmative, Ordinance 2011-11 was unanimously approved.

XIV. A. 1. Recognition and Acknowledgment of the Santa Fe County Fire Department Cadet Graduates From the 2011 Fire Academy

Interim Chief Dave Sperling introduced the department's new firefighters: Craig Moya, Jonathan Hall, Jacob Black, Nathan "Shaylor" Alley, William Van Herpe, and Gregory Bobick. The Chief said he was particularly pleased that five of these men came up from the ranks of volunteer firefighters.

The firefighters identified which district they would work out of and received a round of applause from all those present.

XI. APPOINTMENTS/REAPPOINTMENTS/RESIGNATIONS

A. Appointment of New County Development Review Committee Member, Commission District 5 (Growth Management)

Shelley Cobau, Building and Development Services Manager, informed the Commission that CDRC member Ivan Pato, who was also an appointee to ELUC, has resigned. Staff issued a press release, which was published in the local newspaper apprising the public of the vacancy and soliciting interested individuals.

Ms. Cobau cited the Code which gives the BCC the authority to appoint members and states there should be no less than seven members. At this point, there are only six active members. She indicated there were two eligible applicants and the Commissioner

from District 5 recommends Dan Drobnis to fulfill the remainder of Mr. Pato's term until January 1, 2013.

Commissioner Stefanics moved to appoint Dan Drobnis to the CDRC with his term expiring January 1, 2013. Her motion was seconded by Commissioner Anaya and passed by unanimous [4-0] voice vote. [Commissioner Holian was not present for this action.]

XIII. B. Finance Division

- 1. Resolution No. 2011-67, A Resolution Requesting an Increase to the Law Enforcement Operations Fund (246) to Budget a Grant Awarded Through the U.S. Department of Justice Fiscal Year 2011 Edward Byrne Memorial Justice Assistance Grant Program to Purchase Cameras and Gun Racks / \$59,614 (County Sheriff's Office)**

There was no discussion on this item and upon motion by Commissioner Anaya and second by Commissioner Stefanics this item was approved by unanimous [4-0] voice vote. [Commissioner Holian was not present for this action]

X. MATTERS FROM THE COMMISSION

[Commissioner Holian was not present for this item.]

Commissioner Anaya reported on a District 3 meeting that had wide representation especially from the Edgewood area. Commissioner Anaya said at that meeting representatives from Edgewood requested an MOA regarding roads be developed and they are hopeful funding for the fire station will be located. Commissioner Anaya asked that senior staff coordinate a meeting with Edgewood town officials.

Commissioner Anaya said many of the district-wide residents expressed a desire for additional senior services, particularly Wheels on Meals. The Cerrillos residents were appreciative of the County's work and coordination with the area park and Madrid is eager to incorporate the baseball park into their events.

Commissioner Anaya asked Ms. Miller to outline the projects that were forwarded to the Water Trust Board and she stated two projects from La Cienega and the tank for La Bajada were forwarded for consideration.

Commissioner Stefanics thanked staff for their work and mentioning that the Senior Housing Listening Session suggested a roving microphone would serve the participants well. Park Service employee, Sarah Wood of Cerrillos was recognized by the Governor for her outstanding service.

Commissioner Stefanics said Deputy Assessor Gary Perez is available to talk with residents regarding their property assessment as well as the yield control concept at 986-6332.

Commissioner Stefanics asked that staff develop a listing of County committees and boards regarding vacancies.

Commissioner Mayfield advised residents to carefully review their tax assessment insuring the property is listed within the right district. He said he has received many requests from his constituents for traffic calming devices to including speed bumps and stop signs.

Ms. Miller said appointments to the Road Advisory Committee would occur at the end of November and the Public Works Director would be on board December 6th. As far as traffic calming expenditures, Ms. Miller said that could be addressed as a budget priority to include lighting, etc.

Chair Vigil restated that the ribbon cutting ceremony at Santa Fe Studio would occur tomorrow and she was pleased the Governor would be in attendance.

XIII C. Procurement

- 1. Request Approval to Enter Into Professional Service Agreement with Christus St. Vincent for Detoxification Services in the Amount of \$300,000 Pursuant to RFP #2010-0052 (Health & Human Services)**

Tila Rendon-Varela, Procurement Specialist, said the funding for this PSA is provided through the Local DWI Grant Program Fund.

Commissioner Anaya moved to approve and Commissioner Stefanics seconded. The motion passed by unanimous [4-0] voice vote. [Commissioner Holian was not present for this action.]

XIII D. Community Services Department

- 1. Request Approval of a Professional Service 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 2012 in the Amount of \$733,000 (Health & Human Services)**

Steve Shepherd, Health & Human Services Division Director, said this is federal grant money that funnels through the County to United Way. He said the grant is expected to continue for an additional fiscal year in the amount of \$733,000 assuming money is available on the federal level.

Commissioner Anaya moved to approve. Commissioner Stefanics seconded and the motion passed by unanimous [4-0] voice vote. [Commissioner Holian was not present for this action.]

XIII F. Public Works Department

- 1. Ordinance No. 2011-10, an Ordinance Amending Ordinance No. 1998-16, (an Ordinance Establishing Provisions for Extension of Sewer Services; Adopting Operating and Management Procedures; Setting Rates; and Establishing Design Standards for the Santa Fe County Wastewater Utility) Section 8, Paragraphs B.3 and B4.(a) Through B.4(e), in Order to Provide the Necessary and Complete Text of Said Paragraphs By the Insertion of Page 27 into Said Ordinance and Correcting an Error in the Formula for Calculating the Extra-Strength Surcharge Contained in Exhibit a. (Utilities Department) (FINAL PUBLIC HEARING)**

Patricio Guerrerortiz, Utilities Director, said this ordinance corrects deficiencies and corrects a formula to calculate a surcharge in the existing the governing ordinance.

Chair Vigil solicited for public input and there was none.

Commissioner Anaya moved to approve Ordinance 2011-10. His motion was seconded by Commissioner Stefanics. The motion passed by unanimous roll call vote as follows: Commissioners Vigil, Anaya, Mayfield and Stefanics all voting in the affirmative. [Commissioner Holian was not present for this action.]

- XIII. F. 2. Approval of Agreement Between Santa Fe County and the Club at Las Campanas (TCLC), for the County Utilities to Accept TCLC as a Raw Water Supply (Wholesale-2) Customer. Anticipated Water Volume to Be Supplied Will Be Between 300 Acre Feet a Year and 600 Acre-Feet Per Year, and Water Will Be Used for Irrigation of TCLC Recreational Facilities, Including Golf Course**

Mr. Guerrerortiz reviewed his November 1st memo highlighting the following information: The County Utilities Department submitted to the BCC a proposed agreement by which TCLC would be added to the Utilities' roster of customers. The proposal was tabled on September 13, 2011 and this constitutes a new submittal for the consideration of the Board. As previously requested by the members of the Board, additional talks were held with representatives of TCLC regarding a 30-year life on this agreement. TCLC responded by proposing a reduction of the guaranteed minimum volume of use from 300 afy to 250 afy. This reduction would result in lower revenues to the County in the amount of \$65,400.

During the course of Mr. Guerrerortiz' report, he indicated that sales of raw water will be a very important source of utility revenue and an effective way of using resources the County already owns. He said that TCLC would be a WS-2 customer and serving those customers would be less expensive than providing customers with potable water, and will not negatively impact the County's ability to increase its customer base of potable water customers. More importantly, Mr. Guerrerortiz indicated that serving WS-2 customer, at this time, would not require any capital expenditure by the County. TCLC will install the necessary infrastructure for the County to deliver water.

Mr. Guerrerortiz discussed leveraging utility revenues to extend the system and serve more County residents. He indicated that Santa Fe County has 1,700 acre-feet of diversionary water.

In response to Commission questions, Mr. Guerrerortiz indicated that the water would be used for TCLC's golf course. Currently, the Club's water needs are met using a combination of potable water from the City, and treated wastewater effluent from both the City and TCLC's systems. The anticipated demand for water will be between 300 afy and 600 afy which will be provided by the County if this agreement is approved.

Mr. Guerrerortiz emphasized that serving TCLC will in no way affect or compromise the 1,700 acre-feet of diversionary capacity the County currently owns in the BDD facility.

Phil George, TCLC president, said the facility has two 18-hole courses and currently uses between 250 and 275 acre-feet to irrigate one course. Over the past ten years the average irrigation use for the two courses was approximately 700 acre-feet per year; however, he stressed that aggressive and on-going water conservation efforts are projected to reduce course irrigation needs by nearly 30 percent. Their first source of irrigation will be effluent and the second source will be through this agreement. Mr. George stated that until the pipeline/pumping project is completed, they will continue to irrigate primarily from effluent purchased from the City of Santa Fe.

Commissioner Mayfield asked for an explanation regarding the reluctance to put a long-term limit on the contract. Mr. Guerrerortiz said TCLC has other options to obtain water and it was important to the County Utility to have a commitment. Ms. Miller noted that the County currently does not have an adequate customer base for its BDD water. Bringing on TCLC will build the County's base and the revenues generated will serve to cover the expenses. She said once there is a revenue stream, the Utility can go out for bonds. The County requires 4,900 customers to break even and currently there are approximately 2,600.

Commissioner Anaya said it was important that the public have input on this agreement.

Responding to Commissioner Stefanics' question of whether the agreement was an economic proposal, Mr. Guerrerortiz said it was a service proposal that makes economic sense for the County.

Commissioner Mayfield asked whether Las Campanas came to the County with the request. Mr. Guerrerortiz responded that he understood the Club was looking for additional water and he approached them. Commissioner Mayfield suggested that staff contact Intel about buying water.

Commissioner Anaya asked Mr. George whether the Club was willing to allow the County to use their excess water for a community's agricultural use. Mr. George said the infrastructure will belong to Las Campanas and he felt if there was a way to route the water it could be accomplished.

Chair Vigil invited public comment.

Village of La Bajada former mayordomo David Harrington said the village supports the agreement. He said the Club is willing to draw raw water from the Rio Grande and thus forego the use of 400 acre-feet of effluent from the City. He felt by reducing the City's consumption, the village may be able to obtain some of that water and "we might not have to suffer a dry river." He pointed out that the village's water rights are from 1827, older than any in the City of Santa Fe.

George Gallegos, La Bajada Ditch Mayordomo, said the agreement is a win-win situation for the County that will free up the City's effluent. Mr. Gallegos said he lost $\frac{3}{4}$ of his crop this year due to lack of irrigation. Mr. Gallegos said the community supports this agreement and he asked the Commission to approve it and assist the community in getting 400 acre-feet back into the river.

Mr. Guerrerortiz said the City's contract with Las Campanas is valid through 2027.

Commissioner Holian made a motion to approve the agreement between Santa Fe County and the Club at Las Campanas as presented by staff. Commissioner Stefanics seconded.

Commissioner Holian spoke to her motion stating the County is not close to utilizing all its water rights. There are no infrastructure costs to this project that the County will incur. She was pleased that the agreement would provide a significant income to the County and bring the Utility closer to obtaining bonding income.

Commissioner Anaya recommended an amendment that would add a provision to the agreement that the County will be entitled to use excess capacity for other County customers. County Attorney Ross pointed out that notion was addressed under IV. B.

Commissioner Anaya said he was expressly speaking of any excess capacity in the TCLC facility. He asked that IV.B. read as follows: Upon request by the County, the Club shall make its capacity in the BDD available to the County if necessary. ~~for use in fulfilling the County's obligation under this agreement....~~ Club's capacity.

Commissioner Holian, as the movant accepted the amendment as did Commissioner Stefanics. The motion as amended passed by majority [4-1] voice vote with Commissioner Mayfield casting the sole “nay” vote.

XIII. G. Matters From the County Manager

This item was deferred.

XIV. PUBLIC HEARINGS

A. Special Presentations [See page 12]

B. Growth Management Department

- 1 CDRC CASE # V 11-5190 Bert Scott Variance: Bert Scott, Applicant, requests a variance of Ordinance No. 2002-9 (La Cienega/La Cieneguilla Traditional Community Zoning District), Section 6.4.3, to allow a Small Lot Family Transfer Land Division of Five acres into two 2.5-acre lots. The property is located off Paseo C De Baca at 31 La Lomita, within Section 6, Township 15 North, Range 8 East (Commission District 3).**

Wayne Dalton, Building and Development Services Supervisor, read the case caption and provided his staff report as follows:

“On September 15, 2011, the CDRC met and acted on this case. The decision of the CDRC was to recommend approval of the Applicant’s request for a variance by a 4-1 vote.

“ The applicant requests a variance to allow a Small Lot Family Transfer Land Division of five acres into two 2.5-acre lots. There is currently a residence and conventional septic system on the property. The existing residence is served by an on-site well. The property is located in the Traditional Historic Community of La Cienega within the Basin Fringe Zone. Ordinance 2002-9 requires the minimum lot size in this area of 50 acres per dwelling unit. With proof of 100-year water supply, through a geohydrologic reconnaissance report and application of water covenants, the maximum density may be increased to one dwelling unit per 12.5 acres. If an adequate 100-year supply of water and no impairment to neighboring wells is proven by an on-site geohydrological well test or connection to the County Utility, land may be further divided to a maximum density of 2.5 acres per dwelling unit.

“On September 5, 2007, the La Cienega/La Cieneguilla Development Review Committee met and recommended denial of this request for a variance. The recommendation was based on the determination of the County Hydrologist that the hydrology report, dated June of 1984, submitted by the Applicant did not meet

Code requirements due to the lack of data and failed to demonstrate sufficient water to serve two dwellings. The Applicant provided a well log of the existing domestic well on the property. It was estimated that even with a complete hydrology report it would be difficult to demonstrate water availability using a domestic well. This request was also scheduled to go before the Board of County Commissioners on January 8, 2008, however, the Applicant's parents withdrew the request prior to the Board meeting.

"The Applicant has now received consent from his parents to make an Application and request a variance for a Small Lot Family Transfer Land Division. The Applicant states that it is beyond his means to purchase land in or near Santa Fe and if his mother and father are allowed to share the property with him, it would mean the world to him... The Applicant also states it is beyond his and his family's means to pay the ten to twenty thousand dollar cost for preparation of a new hydrologic report on the existing well.

"On September 2, 2011, Land Use staff met with the Utilities Department regarding this request. It was determined that the Applicant's property is approximately 1,200 feet from the County Utility and connection to the water line is feasible. The Utilities Department received a draft petition on August 17, 2011, for the formation of a Special Assessment District to fund the extension of a water line to serve residents on La Lomita. A reliable water supply is necessary due to poor water quality and marginal supply in existing domestic wells. The opinion of cost to extend the waterline is estimated at \$150,000, but may change due to various factors. The draft petition proposes a means to divide the cost of the line extension among property owners and repay over a twenty-year period. The petition will be forwarded to the Legal Department for review prior to execution.

"Connection to the Santa Fe County Utility allows the creation of a 2.5-acre lot to serve a residential dwelling within La Cienega/La Cieneguilla Traditional Community Zoning District without the burden of demonstrating water availability, as defined by the Land Development Code."

Mr. Dalton said that staff reviewed the application and based on Ordinance No. 2002-9 which requires a minimum lot size in this area as 50 acres per dwelling unit; the Applicant's lot size is only 5 acres; the hardship described by the Applicant is not the type of variance hardship contemplated by the Code; the Applicant has not justified a hardship which is required by the Code; strict compliance with the requirements of the Code would not result in extraordinary hardship to the Applicant; to allow further reduction of the Code density requirements would nullify the purpose of the Code, connection to the County Utility is feasible and would eliminate the need for a variance; therefore, staff recommends denial of the Applicant's request.

If the decision of the BCC is to recommend approval, Mr. Dalton introduced the CDRC and staff recommended conditions:

1. No development permits shall be issued for the newly created lots unless connection to the County Utility has been completed and both lots are connected to Community Water. The applicant may submit a geohydro report proving available water and not wait for the water system.
2. The existing well on the property shall be disconnected from residential use. The well may be used for Traditional water usage.
3. A Plat of Survey meeting all County Code requirements shall be submitted to the Building and Development Services Department for review and approval.
4. No further division of either tract shall be permitted. This shall be noted on the Plat.

Duly sworn, Bert W. Scott, Albuquerque, the applicant and the property owners' son, appeared before the Commission. He presented what he referred to as the "original" conditions of approval that he agreed to [*Exhibit 1*] and a petition signed by neighbors supporting his request [*Exhibit 2*].

Mr. Scott said he was a native Santa Fean and grew up in La Cienega and wants to be near his parents. He mentioned his relatives in the area and his desire to provide his children with access to his parents.

He said the original conditions [*Exhibit 1*] would have allowed him to use .25 acre-feet of groundwater and when the County's system was within 200 feet of his home he would tie into the line and tap the well for domestic use. He stated he accepts that condition, but making him wait until a special assessment district is created is unfair.

Mr. Dalton pointed out that condition one allows the applicant to build if he provides a geohydro report proving water availability.

The Commission questioned why the conditions presented by the Applicant that he agreed to differ than those proposed by staff. Mr. Dalton said the conditions the Applicant refers to were revised prior to this case being heard by the CDRC. Staff ascertained that the property lacked sufficient groundwater and revised the conditions.

Mr. Scott said while there may not be enough water on the property to sustain the development for 100 years, surely the County's line will be installed by that time. He mentioned the expense of conducting a geohydro report. Mr. Scott referred the Commission to the petition [*Exhibit 2*] signed by his immediate neighbors.

Mr. Dalton confirmed that the conditions presented in his report were those imposed by the CDRC.

Karen Torres, County Hydrologist, said the County does maintain geohydro reports on file for public use. She said it is very difficult to prove water in this area and referred to the 1984 VaneKlasen geohydrology report, and indicated that said report failed to prove adequate water.

There were no other speakers on this case.

Commissioner Anaya moved to approve CDRC Case #V 11-5190 with the conditions presented by the Applicant and adding conditions 6 as follows:

1. Water use shall be restricted to .25 acre-feet per year per lot. A water meter shall be installed for both lots this shall be noted on the Plat. Annual water meter readings shall be submitted to the Land Use Administrator by January 1st of each year. Water restrictions shall be recorded in the County Clerk's Office.
2. The Applicant shall sign and record a shared well agreement with the Office of the County Clerk.
3. A Plat of Survey meeting all County Code requirements shall be submitted to the Building and Development Services Department for review and approval.
4. No further division of either tract shall be permitted. This shall be noted on the Plat.
5. The Applicant shall connect to the County Water System when it becomes available within 200 feet of the property line.
6. The newly created lot shall not be sold for a period of three years.

Commissioner Mayfield seconded and the motion passed by majority 3-1 voice vote with Commissioner Stefanics casting the sole "nay" vote and Commissioner Holian not present for this action.

XV. ADJOURNMENT

Having completed the agenda and with no further business to come before this body, Chairwoman Vigil declared this meeting adjourned at 9:00 p.m.



ATTEST TO:

Valerie Espinoza
VALERIE ESPINOZA
SANTA FE COUNTY CLERK

Approved by:

Virginia Vigil
Board of County Commissioners
Virginia Vigil, Chairwoman

Respectfully submitted:

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



CDRC
August 18, 2011
Bert Scott
Page 3

If the decision of the CDRC is to recommend approval, staff recommends the following conditions be imposed:

- * 1. Water use shall be restricted to 0.25 acre feet per year per lot. A water meter shall be installed for both lots this shall be noted on the Plat. Annual water meter readings shall be submitted to the Land Use Administrator by January 1st of each year. Water restrictions shall be recorded in the County Clerk's Office.
- * 2. The Applicant shall sign and record a shared well agreement with the Office of the County Clerk.
- 3. A Plat of Survey meeting all County Code requirements shall be submitted to the Building and Development Services Department for review and approval.
- 4. No further division of either tract shall be permitted. This shall be noted on the Plat.
- * 5. The Applicant shall connect to the County Water System when it becomes available within 200 feet of the property line.

ATTACHMENTS:

- Exhibit "A" - Letter of request
- Exhibit "B" - Ordinance # 2002-9 (La Cienega Traditional Community Zoning District)
- Exhibit "C" - Article II, Section 3 (Variances)
- Exhibit "D" - Photos of Site
- Exhibit "E" - Survey Plat
- Exhibit "F" - Site Plan/Proposed Lot Configuration
- Exhibit "G" - Aerial of Site and Surrounding Area
- Exhibit "H" - Vicinity Map

SFC CLERK RECORDED 12/14/2011

I support the proposed split of Jack S. and Patricia E. Scotts' five acres of Land located at 31 La Lomita, La Cienega, New Mexico. I understand that they wish to give their son, Bert Scott, 2 1/2 acres so that he can build a home for he and his family.

NAME	ADDRESS
J. Bushrod Tette	38 La Lomita, S.F. NM
William L Taylor	21 A LA LOMITA, SF, NM
Cecquelin Taylor	21 A LA LOMITA SF. NM
J. [unclear]	33 La Lomita SF. N.M.
[unclear]	33 La Lomita SF NM 87507
[unclear]	9 LA LOMETA, SF NM 87507
Vincent	9 LA LOMITA S.F. NM. 87507
Esteban Arce	10 LALOMITA S.F NM 87507

SIS CLERK RECORDED 12/14/201