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BCC MINUTES
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SANTA FE COUNTY

BOARD OF COUNTY COMMISSIONERS

REGULAR MEETING

December 11, 2012

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

BCC CLERK RECORDED 02/06/2013

SANTA FE COUNTY
REGULAR MEETING
BOARD OF COUNTY COMMISSIONERS

December 11, 2012

This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 2:08 p.m. by Chair Liz Stefanics, in the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

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

Members Present:

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

Members Excused:

[None]

V. MOMENT OF REFLECTION

The moment of reflection was led by Paul Olafson from the Open Space and Projects Division.

CHAIR STEFANICS: I'd also like to remember during our moment of reflection Commissioner Raymond Chavez, 1989 to 1994 in office here. He took over after his brother, Commissioner Bennie Chavez passed away. And we'd like to remember him in our moment of silence.

VI. APPROVAL OF THE AGENDA

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- B. Tabled or Withdrawn Items**

KATHERINE MILLER (County Manager): Madam Chair, there are several changes. On page 4, item XIII. C. 3 has been added. Further down the page, item XIV. 1. A. ii has been added, as well as XIV. 3, 4 and 5 have been added to the agenda. Then on page 6,

land use case number 6, item XVI. A. 6 has been tabled.

CHAIR STEFANICS: Commissioners, any other changes?

COMMISSIONER VIGIL: Madam Chair.

CHAIR STEFANICS: Yes, Commissioner Vigil.

COMMISSIONER VIGIL: I move we approve the agenda with amendments.

COMMISSIONER HOLIAN: Second.

COMMISSIONER ANAYA: Madam Chair.

CHAIR STEFANICS: Yes, Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, Commissioner Vigil,

Commissioner Holian, could we – I had some folks here that I didn't them to wait to the end of the meeting relative to a brief item from Matters from the Commission. Could we have a brief Matters from the Commissioners at the beginning of the meeting as well so we could try to accommodate them not having to sit through the entire meeting?

CHAIR STEFANICS: Commissioner, we have several people who asked to be moved up and because our items are so full, what item are they?

COMMISSIONER ANAYA: It's Matters from the Commission, but I want to make a brief statement now while they're here.

CHAIR STEFANICS: Item D?

COMMISSIONER ANAYA: Yes. Madam Chair, we moved Matters from the Commission to the end of the meeting and I've asked about this in the past but if we could have Matters or other issues from the Commissioners at the beginning as well as the end I think it might help in accommodating brief comments we might have so that people don't have to sit through the entire meeting. So, that's my request, Madam Chair.

CHAIR STEFANICS: So, Commissioner, you're asking to make some comments after the recognitions? The proclamations and presentations? We wouldn't do anything before.

COMMISSIONER ANAYA: That would be fine, Madam Chair, if we could do that.

CHAIR STEFANICS: Okay. So we will put Commissioner Anaya in before item IX. Okay, we have a motion to accept the amended agenda and a second. Is there anything else?

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

CHAIR STEFANICS: Thank you very much, Commissioner Mayfield. We got it.

VII. APPROVAL OF MINUTES

A. Approval of November 9 & 16, 2012 Canvassing Board Minutes

COMMISSIONER HOLIAN: Madam Chair, I move for approval of the November 9th and 16th canvassing board minutes.

COMMISSIONER MAYFIELD: Second, Madam Chair.

CHAIR STEFANICS: Commissioner Mayfield, seconded. Thank you.

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

B. Approval of November 13, 2012 BCC Minutes

COMMISSIONER HOLIAN: Madam Chair, I move for approval of the minutes of the BCC meeting of November 13, 2012.

CHAIR STEFANICS: Is there a second?

COMMISSIONER VIGIL: Second.

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

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

VIII. PROCLAMATIONS AND PRESENTATIONS

A. A Proclamation Honoring Commissioner Virginia Vigil for Her Service on the Santa Fe Board of County Commission and Residents of Santa Fe County

CHAIR STEFANICS: For this item we have several people who came to speak. I would like to read the proclamation. A proclamation honoring Virginia Vigil for her outstanding service as a County Commissioner at Santa Fe County.

Whereas, Commissioner Virginia Vigil was born and raised in Santa Fe, the fourth of nine children to Juan L. Vigil and Corrine Montoya Vigil, and has historical and generational ties to northern New Mexico;

Whereas, she grew up on Canyon Road on property that was homesteaded by her great grandfather, Simon Vigil, who fought in the US Cavalry, and her grandfather, Beatrice Vigil, served as an advisor to the original incorporation committee for the City of Santa Fe;

Whereas, her father and mother inherited family homesteaded property where many of Canyon Road's original artists began settling and where Commissioner Vigil became witness to the transformation from a residential area to an arts district;

Whereas, as a student of the Santa Fe School Systems to include Cristo Rey School, Harrington Junior High and Santa Fe High School, she graduated and attended New Mexico Highlands University on scholarship, then transferred and completed undergraduate work at New Mexico State and the University of New Mexico. Upon transferring to the University of Southern Colorado she was awarded her bachelor of arts in speech and secondary education in May, 1973;

Whereas, her primary profession was a teacher and included being an instructional aid for bilingual children in Mesilla, New Mexico, and teaching high school at Centennial High in Pueblo, Colorado. She also taught religious education at St. John's Catholic Church;

Whereas, she continued her education by receiving her masters of arts in political science and education from the University of New Mexico in May of 1980 and fulfilled her dream of attending law school and receiving her doctorate of jurisprudence from the University of New Mexico in May of 1991;

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Whereas, Commission Virginia Vigil's law career began as an assistant district attorney for the First Judicial District in 1991 serving as head of children's court through March of 1994 and then briefly provided criminal defense work followed by becoming the first in-house counsel for the New Mexico Educational Retirement Board;

Whereas, she has always maintained a volunteer commitment to her community, serving as president of Big Brothers/Big Sisters, chairwoman of the major fundraisers for Junior Welfare Association, board member for United Way of Santa Fe, and Keep Santa Fe Beautiful, while remaining active in her three sons' schools and programs by volunteering with PTAs and fundraisers, ski sponsor, tennis mom, baseball scorekeeper and concessions and basketball cheerleader coach;

Whereas, Commissioner Virginia Vigil was hired by the Board of County Commissioners as a legal policy advisor to the Board in 1999 and in this capacity drafted policy, staffed the first Health Policy and Planning Commission and the first tribal summits, drafted newsletters, press releases, resolutions and ordinances and on her first day of work became in-house lobbyist for Santa Fe County;

Whereas, it is in this capacity that Ms. Vigil drafted the investment policy resolution, staffed the first Health Policy and Planning Commission, coordinated tribal summits, drafted resolutions for each Commissioner, wrote a weekly newsletter and lobbied the New Mexico State Legislature from 1999 to 2003 for capital outlay funding and specific County legislation;

Whereas, Commissioner Vigil's desire for furthering her public policy role ran for two terms and was elected Santa Fe County Commission from 2004 through 2012, serving in 2007 as the chairwoman of the Board in more than ten years;

Whereas, during her eight-year tenure, Commissioner Vigil chaired and served on the Extraterritorial Zoning Authority, the Regional Planning Authority, the Metropolitan Transportation Policy Board, the Solid Waste Management Authority, the Buckman Direct Diversion Board, the Investment Board and the Housing and Health Boards, and the Board of Directors of the Association of Counties, their detention committee and their workers' comp board;

Whereas, under her leadership and personal commitment to the residents of District 2 Commissioner Vigil was instrumental in obtaining funding for capital outlay projects including the Women's Health Services Facility, the Nancy Rodriguez Community Center, Esperanza Family Center, United Way Children's Zone, Santa Fe River restoration projects, Burro Lane Park, Camino Real National Historic Trail, Romero Park improvements, Siler Road Bridge, Agua Fria road improvements, Sergeant. First Class Leroy Arthur Petry Bridge, and many more countywide projects;

Whereas, Commissioner Vigil led the effort to create a media district which led directly to the opening of Santa Fe Studios as a major economic project for Santa Fe County and nm;

Whereas, she worked tirelessly for her constituents and was committed to supporting projects which she believed such as the Santa Fe County Graffiti Removal Ordinance and Task Force, the North Central Regional Transit District, the transition from a privately operated jail to a County-operated one, the creation of an affordable housing ordinance,

resolution of the difficult issue of annexation through agreement with the City of Santa Fe, the creation of the Food Policy Task Force and the ACE Arts Commission;

Whereas, Commissioner Vigil lawfully conducted County business, characterized by the highest integrity, selfless dedication to duties and constant engagement on the Board's behalf with local, state and other officials and agencies, always in the best interests of the residents of Santa Fe County;

Whereas, Commissioner Vigil continues to practice law on a pro bono basis, continues to serve as a lobbyist for New Mexico higher education, and enjoys spending time with her three sons, Rick, Ryan and PJ Miera.

Now, therefore be it resolved by the Santa Fe Board of County Commissioners that Virginia Vigil be recognized for her outstanding contributions as a Commissioner in Santa Fe County, be acknowledged as a devoted public servant, and honored for her commitment to her family, her friends and her community. Signed and dated this 11th day of December, 2012 by the Board of County Commissioners, Liz Stefanics, chair, Commissioner Danny Mayfield, Commissioner Kathy Holian, vice chair, Commissioner Robert Anaya, County Manager Katherine Miller, County Attorney, Steve Ross and County Clerk Valerie Espinoza.

I do move the proclamation.

COMMISSIONER HOLIAN: Second.

CHAIR STEFANICS: There's a motion and a second. I think we'll take the vote first, and we have many people who wish to speak on behalf of Commissioner Vigil.

The motion passed by unanimous [4-0] voice vote with Commissioner Vigil abstaining.

CHAIR STEFANICS: We're going to let Commissioner Vigil speak after everyone else. So first of all I have on my list Mayor David Coss. Did the Mayor make it? Okay. Councilor Rebecca Wurzbarger, the Mayor Pro Tem, please come forward.

REBECCA WURZBURGER: I'm exhausted after that. What could I possibly say? A wonderful proclamation. Madam Chair, County Commissioners, I'm indeed honored to have this opportunity to thank my friend and colleague, Commissioner Vigil for her exemplary leadership and service to the County of Santa Fe, these past eight years, and yes, that does include the City. Commissioner, yours is a rare legacy that will be framed by your actions of impeccable integrity, wisdom, effective and consistent caring for your constituents, and civility. This legacy which has been illustrated so beautifully in the proclamation I feel is also highlighted particularly by the leadership you've provided in three major City-County initiatives, which will be serving our community for generations to come. That is the Buckman Diversion project, our annexation plan, and the RPA, Regional Planning Authority land use plan.

Her unparalleled skill to openly come to the table on these initiatives as a persistent and consistent collaborator created win-win policies for all of us, new projects that will serve as I've said, Santa Fe for decades to come and I personally thank you for this. Yours is a mind, heart and spirit that will be missed in this platform. However, as your friend, I do look forward to our continued policy walks and talks up Atalaya Mountain, where we will

continue to pursue the goals of personal health, and possibilities for the future of our beautiful community. Thank you.

COMMISSIONER VIGIL: Thank you, Rebecca, so much.

CHAIR STEFANICS: I next have Ms. Jane Levant. I didn't set up this list so I'm going by the order that's given to me. I have Jane Levant, Glenn Levant, John House, John Sirkin, Gil Tercero and Ramon Romero, Don Dayton, Kristi Halas, Kathleen Beneke, Melinda Pike and family members, and anyone else after that who'd like to speak.

JANE LEVANT: Thank you very much. Everything that has been said today has been experienced by me personally. It is a privilege to congratulate, Commissioner, on your term in office. During my 11 years as commissioner for the City of LA, and I giggle a little bit when I say this, I came in contact with many elected and appointed officials. I can personally say, very, very sincerely, that I have never met a public official who demonstrated such caring and dedication to me and to my family.

Many of us today feel that our voices are not heard. You have heard my husband and my family and my voice, and I know that I will be grateful. You will be greatly missed and I hope our relationship continues.

COMMISSIONER VIGIL: Forever. Thank you.

CHAIR STEFANICS: Thank you very much. Mr. Glenn Levant.

COMMISSIONER VIGIL: Mr. Levant, the founder of the DARE program.

GLENN LEVANT: It is indeed an honor to be invited to speak honoring you. The resolution lists your accomplishments but I have to add that as a resident of District 2, on behalf of all of us, you have covered our neighborhoods, as diverse as they are, with a blanket of commitment, caring, sincere – and I truly mean sincere – obligation to your constituents. And that has been felt. It is obviously responsible for your running unopposed for re-election in your second term. No one dared – no pun intended on the DARE word. No one dared to challenge your competency.

Your history is someone that is committed to children and a mother of three boys, as difficult as that is, and your caring for the disadvantaged, the ill, and those that truly need the services of government are conspicuous, not only in the resolutions that will be presented but in the hearts and in the memories of the thousands of people whose lives you have improved during your eight years on the County Board of Supervisors.

On behalf of all of us in District 2 we wish you a happy retirement if that's what you would choose to do. I hope not. But if that's what you choose to do, and know that you have the continuing friendship of not only my family but the residents of District 2. Thank you so much for your service.

COMMISSIONER VIGIL: Thank you Glenn, so much. I really appreciate that.

CHAIR STEFANICS: Mr. John House.

JOHN HOUSE: Commissioner Vigil, I just want to add to some of the statements that other residents in District 2 have given you. You have been such a tremendous representative for everyone in District 2. I have had the opportunity to work with Commissioner Vigil on several occasions. Her door was always open. She always picked up the phone. She always listened to our concerns and when we needed her to go to bat for us she did and was always successful.

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I can't imagine having a representative as professional, educated, intelligent as Commissioner Vigil. We will sorely miss here and we wish you the best in whatever your endeavors are and we'll be behind you on whatever they are. Thank you.

COMMISSIONER VIGIL: Thank you, John, very much. So nice of you.

CHAIR STEFANICS: Thank you. Mr. John Sirkin.

JOHN SIRKIN: My name's John Sirkin. I'm president of the La Tierra Homeowners Association. La Tierra is a subdivision of 100 homes which until the recent redistricting has been under Commissioner Vigil's jurisdiction. Whenever we needed something Commissioner Vigil was there for us. Among other things, she encouraged and guided us in our efforts to obtain capital outlay funds to facilitate the fixing of the County roads within our subdivision. Virginia Vigil has been a true friend of La Tierra and she's been accessible, responsive, helpful and friendly. I don't know what more anyone could ask.

I would also like to mention her constituent services liaison, Rita Maes. In addition to being extremely capable and knowledgeable, Rita has always – she's a delight to work with and she's bent over backwards to be helpful to us. So all of us think the world of you, Rita. Virginia and Rita, we can't thank you enough. You have the gratitude and respect of the entire La Tierra community. Thank you.

COMMISSIONER VIGIL: Thank you, John, so very much.

CHAIR STEFANICS: Thank you. Gil Tercero and Ramon Romero.

GIL TERCERO: Commissioner Vigil, it is a great privilege and honor to stand here and to honor you. The Village of Agua Fria has benefited so much in the past eight years thanks to your support and as the gentleman mentioned, Rita's help also. The staff has been wonderful. The County has been well run, well managed and I hope it continues this way. I can't even begin to list all of the things that you have accomplished through your term and through your staff for Santa Fe County and in particular for the Village of Agua Fria. We stand here to honor you and to thank you.

COMMISSIONER VIGIL: Thank you so much, Gil.

RAMON ROMERO: Ramon Romero of Agua Fria. Agua Fria Water Association president. Hello, Virginia.

COMMISSIONER VIGIL: Hello, Ramon.

MR. ROMERO: Virginia, you've been the best. Whenever we called you were there. Your response was immediate. I remember one particular incident on San Ysidro Crossing needed gravel and the next day it had gravel. Construction along Agua Fria with a 12-inch line, we had obstacles; you took care of those obstacles. You were very, very fast to respond. It's been a pleasure working with you. I met you back in 1999. You've been my friend since. You've been a great servant to us; I appreciate that and Agua Fria now has a 12-inch line thanks to you. We have Buckman Diversion water, 14 acre-feet. We have [inaudible] was completed and Agua Fria is very, very grateful to you and I thank you for your services and I'll never forget you. If you need anything I'll be ready to help you in anything you need. Thank you, Virginia.

COMMISSIONER VIGIL: Thank you, Ramon.

CHAIR STEFANICS: We'll give the Mayor a moment to catch his breath and then we'll call him up after the next speaker. Mr. Don Dayton.

DON DAYTON: On behalf of the AARP of New Mexico I am pleased to provide Commissioner Vigil with this certificate of recognition for your fine work in working with the seniors of Santa Fe County. Finally, there's a statement from Gino Varela, the state director of AARP New Mexico. Dear Commissioner Vigil, AARP New Mexico would like to take this opportunity to thank you for your work on behalf of seniors serving as a Santa Fe County Commissioner. As you're aware, helping individuals remain actively engaged in their community as they age both physically and mental health benefits can lead to a much better quality of life. Senior centers provide the very kind of stimulation that we need. The centers for the social instruction, meals and physical activities that seniors can enjoy rather than being isolated, all of which adds to a better life. Your work toward ensuring that such centers receive funding has been invaluable. We also appreciate how you have welcomed and supported our local AARP volunteers. Sincerely, Geno Varela, state director, AARP of New Mexico.

COMMISSIONER VIGIL: Thank you so much, Don. That's so sweet. I appreciate that so much.

CHAIR STEFANICS: Thank you, Don. I'd like to welcome Mayor Coss, David Coss. He was driving up from Albuquerque and had to be a few minutes late. But Mayor, we did introduce you at the beginning, so come on down. Thank you very much for coming today.

MAYOR DAVID COSS: I couldn't let Commissioner Vigil's last meeting go by without coming by to thank you for all the work you've done with the community and with us and with me. I remember when you started eight years ago we were still fighting over annexation and now eight years later we're not fighting. We're almost to solving a big, big chunk of it. Without you, Commissioner I don't think we could have come as far as we have on so many things, whether it's transportation, housing, annexation, social services, senior services. So many things and I want to thank you also for doing so many hikes with Councilor Wurzburger. I think that helped along the way. It helped me a lot I know. Again, I just didn't want to let it get by without getting up here and thanking you because it's a lot of service, it's a lot of meetings. I want to thank all of you for that work. Eight years of service and serving with you, it's really been a pleasure and an honor and it's amazing how much we've gotten done.

COMMISSIONER VIGIL: Thank you so much, Dave.

CHAIR STEFANICS: Thank you very much, Mayor, for coming today. Next we have Kristi Halas.

KRISTI HALAS: Hello, I'm Kristi Halas, formerly Kristi Redioff. I've been a member of the Santa Fe County Maternal and Child Health Council since 2002 and as chairperson of that council since 2005 to 2009. I'm honored to take this opportunity to recognize Commissioner Vigil as a champion for families in Santa Fe County and to thank you on behalf of the Santa Fe County Maternal and Child Health Council for your unceasing support. Throughout her tenure on the Board of County Commissioners Commissioner Vigil has recognized that the first years really do last forever. She has supported efforts to create a child and family friendly Santa Fe County through the development and promotion of family and child-oriented public policies.

Commissioner Vigil has truly embraced the premise that health, as defined by the World Health Organization, is a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity. A longstanding supporter of the Maternal and Child efforts, Commissioner Vigil has understood the value of preventative programs that support families with young children and has acted accordingly. With a return rate of one to seven, every one dollar spent on prevention saves seven dollars on the cost of later intervention. Programs that provide support on the front end make good fiscal sense.

However, the competing needs of crisis response programs and programs that provide services after events have played out, which are definitely valuable and important in their own right, cause preventative programs to often get pushed to the side. Commissioner Vigil and the Board of County Commissioners did not let that happen in Santa Fe. Commissioner Vigil and the Board of County Commissioners helped sustain funding for the Santa Fe County MCH Council as the funding from the state level funneled MCH funds to the larger health councils. This action ensured that the infrastructure for systems planning and community-wide, ground level collaboration on behalf of families with young children still had its own voice in the County's strategic planning process through the MCH Council.

With the support of Commissioner Vigil and the Board of County Commissioners, the following priority areas were the basis of Santa Fe County's last 0 to 3 strategic plan and were incorporated into the Health Planning and Policy Commission's last strategic plan as well: Home visiting, infant and toddler care, infant/parent mental health services such as the community infant program, infant/toddler health including breast feeding initiatives and access to healthcare, parenting opportunities for families of new children including the development and dispersal of the Santa Fe County Resource Guide for Families. That is a list to be proud of.

Commissioner Vigil has helped the Maternal and Child Healthcare Council work with the County and the state to navigate the best way to provide service support for Santa Fe's families with young children. She has always been there with advice and information and support. And on a personal note, I recall sitting with Commissioner Vigil and MCH constituents at Java Joe's early one morning to explore all sides of an issue. It is with much gratitude that we thank you, Commissioner Vigil, for your unending advocacy on behalf of families with young children in Santa Fe County. Thank you.

COMMISSIONER VIGIL: Thank you so much.

CHAIR STEFANICS: Thank you. Next is Kathleen Beneke.

KATHLEEN BENEKE: Commissioner Vigil, you have been a strong advocate for the infants and children and families of our community, Santa Fe County. You have also been a supporter of infant mental health to our community and to the Santa Fe community infant program when the County was funding that program. Being an advocate for infant mental health really means that children in Santa Fe County were developing healthier peer relationships, developing a greater sense of trust and self esteem, improve school readiness and it also helped decrease children being kicked out of daycares and children being in the juvenile justice system which then leads to the criminal justice system.

So I could go on and on and on. Everybody here has just been speaking so highly of all your accomplishments but I just really want to thank you for all the hundreds of families and babies that I've worked with that you have really been that advocate and a light-bearer to

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the families and those babies, and some of those babies now are teenagers. So I know your work will continue and all the seeds that you helped plant in your work with the Maternal Child Health Council and with infant mental health will continue. So from the bottom of my heart I really thank you for everything that you've done for our community.

COMMISSIONER VIGIL: Thank you very much.

CHAIR STEFANICS: Thank you. On the list I have Melinda Pike and family members, and then I will open it up to anybody from the public who wants to add anything. So Ms. Pike, please come forward.

MELINDA ROMERO PIKE: Madam Chair, Commissioners, Commissioner Vigil, first of all la familia Romero se apresta a rendir homenaje y honor a nuestra comisionada Virginia Vigil. The Romero family seizes the moment to pay tribute and honor to you, Commissioner Vigil. And although this is an unofficial document, we, the Romero family also have a proclamation and if it's permissible, I would like it to be together with my family, part of the record.

CHAIR STEFANICS: Absolutely.

MS. PIKE: The Romero family proclamation, descendents of Maria Albina Romero.

Whereas, Commissioner Virginia Vigil is a descendent of the early colonizers to this region;

Whereas, Commissioner Virginia Vigil's family members were active in government service and community concerns;

Whereas, Virginia Vigil's family owned big parcels of land in the then pristine Canyon Road and members of the Vigil family continue to retain these ancient lands;

Whereas, Commissioner Virginia Vigil was elected the Board of Santa Fe County Commissioners representing District 2 in 2004;

Whereas, immediately she focused her concerns on the needs of her county and her district;

Whereas, she recognized and started working on the needs for preserving open space, and establishment of trails;

Whereas, one of those goals met was the San Ysidro Trailhead Park;

Whereas, she also strived for the revival and recognition of the Camino Real in conjunction with the National Park Service to bring awareness to this ancient and primary trail in this country;

Whereas, Commissioner Vigil was a very active player with the joint City-County Buckman Diversion project to channel San Juan Chama water via the Rio Grande, making it possible to provide more water for the citizens of the City and County of Santa Fe;

Whereas, her untiring efforts accomplished much and provided needed infrastructure in various locations, including the Siler to West Alameda Bridge to relieve enormous traffic congestion in Agua Fria, el Camino Real, and the installation of a sewer system, drainage, curb and gutter, sidewalks and the finished road for the traditional Village of Agua Fria, Phase 3;

Whereas, she sponsored the naming of the Romero Park Trailhead and official historian for the traditional Village of Agua Fria;

Whereas, Commissioner Vigil always made certain that her constituents received health services by sending the Healthy Tomorrows for immunizations Santa Fe County Health Office provides other testing.

Now, therefore, the Romero family presents this declaration of special honor to Commissioner Virginia Vigil in appreciation of her good will and many public works. Presented this 11th day of December, 2012, elders of the Romero family, Filemon Romero, Amarante Romero, who unfortunately couldn't be with us today, and yours truly, Melinda Romero Pike. Thank you, Commissioners for the opportunity to address and present this to Commissioner Vigil and if it's all right, I would like to present this to Commissioner Vigil.

CHAIR STEFANICS: Absolutely.

MS. PIKE: And in terminating and if Rita is listening to me, we have some bizcochitos and she will show you where they're at.

CHAIR STEFANICS: Thank you.

MS. PIKE: You can enjoy bizcochitos compliments of the Romero family.

COMMISSIONER VIGIL: Excellent bizcochitos.

CHAIR STEFANICS: Thank you. Before we continue I'd like to let you know that we had a holiday lunch today with the Manager but also to celebrate Commissioner Vigil and our County Surveyor. And I'd like to let you know that Commissioner Mike Anaya, Commissioner Jack Sullivan, Commissioner Paul Campos and Commissioner Harry Montoya joined us today for that holiday reception. And I want to thank all of them for taking part in this. Is there anyone else from the audience who'd like to speak before I go to the Commissioners? Thank you very much. Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, Commissioner Vigil, Virginia, we came to know each other working together at Santa Fe County. We didn't always agree on everything but we always agreed to work in the best interests of Santa Fe County. That's what you did as an employee of Santa Fe County. That's what you've done as a Commissioner. I've enjoyed working with you on the Commission. I look forward to working with you in the future on other issues you might have that come to the community. It's obvious from the people that are here today that many people are very grateful for your efforts and you're to be commended for those efforts.

So on a lighter note I would say I'm happy to see Commissioner Vigil go so that now we can spend some money in some of the other districts throughout Santa Fe County.

COMMISSIONER VIGIL: As if.

COMMISSIONER ANAYA: All kidding aside, she's done a good job, you've done a good job, Virginia. Many blessings to you and your family and good luck to you as you move forward on to other things as I know you will.

COMMISSIONER VIGIL: Thanks so much.

CHAIR STEFANICS: Thank you. Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Madam Chair. I have already said a few words to Virginia at our luncheon but I just wanted to make the point that in hearing the proclamation and hearing all the wonderful things that people are saying about Virginia today, that it just became crystal clear to me, although I knew this already, how many activities that she is participated in, and how many accomplishments that she has had over the course of her life. But there was one common theme in all of those activities and

accomplishments. It's what she has done has been to help the people in her community. It really is all about community with her. And I just sort of have to tell you a little story, because every now and then Virginia and I go to lunch when we meet here at the Commission. Then we'll walk over to a restaurant and it's really hard to get to the restaurant because half of the people that we pass know her, and so we have to stop and talk to everybody. But what I will say that really illustrates what a great person she is is that everybody is really happy to see here, and then most of the time people are telling her thank you for something that she did.

So all I can say, and you'll know this, that I am really, really going to miss you, Virginia. Good luck in whatever you do and I know that we will remain friends forever.

COMMISSIONER VIGIL: Friends forever.

CHAIR STEFANICS: Thank you. Commissioner Vigil, we've known each other for a long time and I think we will continue to know each other in the future. I hope you remain a vital member of our community and not move away or not become a movie star. Who knows what's in Virginia's future. And I know that she has many ties to this community, but everyone deserves a rest once they retire from one position and they decide what to do next. And Commissioner Vigil has added a great deal of depth and history to the Board of County Commissioners.

All of us came onto this Board, current members, without knowing anything about annexation, without knowing some of the history about the Buckman Direct Diversion Board. There were many things that she was a part of that we were not. And so we relied upon her for her perspective. And something that was very important that I hope the City continues to remember is the Rural Protection Act that we passed. We hope we negotiated so that people will be protected with the annexation.

But Commissioner Vigil, Virginia, thank you for everything and I will sorely miss you here.

COMMISSIONER VIGIL: Oh, thank you.

CHAIR STEFANICS: At this time we're going to come down to present her official portrait and her plaque with the proclamation and take photos. Thank you everyone.

[Photos were taken.]

CHAIR STEFANICS: I hope those bizcochitos don't disappear before we get to them. So maybe our liaisons could put a few aside for us for our snack or dinner.

**VIII. B. Recognition and Appreciation of County Clerk, Valerie Espinoza –
Presented by Geraldine Salazar and Victoria Trujillo**

CHAIR STEFANICS: Let me first read it, and then I'm going to ask Ms. Geraldine Salazar and Ms. Vicki Trujillo to come up for our County Clerk. Certificate of appreciation. The Santa Fe County Board of County Commissioners hereby acknowledges Valerie Espinoza, County Clerk, in recognition and appreciation of the public service provided to the citizens of Santa Fe County through I don't know how many elections and how many documents over eight years. Therefore, the Board of County Commissioners presents you with this certificate of appreciation on this day, Tuesday, December 11, 2012, by the chair, the vice chair, Commissioner Mayfield, Commissioner Vigil, Commissioner

Anaya, and County Manager Katherine Miller. Ms. Salazar, and I should recognize that this is our County Clerk-elect, Geraldine Salazar.

GERALDINE SALAZAR (County Clerk Elect): Good afternoon, Madam Chair and County Commissioners, County employee and residents. Valerie Espinoza was elected to the office of Santa Fe County Clerk in 2004 and re-elected in 2008. Valerie's roots are involved in New Mexico. She is a graduate of Espanola High School. She earned an associate of applied science at Northern New Mexico Community College and a bachelors of arts from the College of Santa Fe in organizational psychology. Valerie has managed and directed the Clerk's Office to new heights. Her educational and professional background has contributed to her success as County Clerk.

She has enjoyed serving the citizens of Santa Fe County and proudly gives credit to her staff for helping streamline and improve the services of the County Clerk's Office. Now, let me introduce to you Victoria Trujillo, our chief Deputy Clerk of the Clerk's Office, who will share with us some of Valerie's accomplishments during the last eight years.

VICKI TRUJILLO (Deputy County Clerk): Two words: tenacious and relentless, probably best describe Valerie. Nothing is impossible for her. She earned two degrees while working and raising a child. She worked for the Secretary of State's Office for five years and retired from Los Alamos Lab after 20 years of service as an executive office administrator before becoming Santa Fe County Clerk.

She works tirelessly for causes she believes in. She has been on many boards and commissions involving the disabled, underprivileged children and animal rites. She knows sign language and is able to assist the hearing impaired that come into the Clerk's Office to conduct business or to vote. She promised she would extend office hours to better serve the public needs, and has delivered. She was instrumental in providing benches outside the building for constituents waiting to do County business.

Valerie had the foresight to hire Denise Lamb, a national expert in elections, and Santa Fe County has met the highest standards in successful elections in the state. Since taking office she has succeeded in getting all of Santa Fe County polling locations in compliance with the Americans with Disabilities Act. She was instrumental in making satellite offices available in Pojoaque, Edgewood and Eldorado for constituent convenience. She was committed to computerizing all recorded documents. She introduced the latest technology and e-filing and e-recording in the Clerk's Office. She sought funding from the legislature for her projects, such as scanning old records for security. The longevity of records has received funding for several years. She has encouraged her employees to further their education and improve themselves.

MS. SALAZAR: Standing with us is Denise Lamb, our Bureau of Elections chief deputy clerk, and the team Valerie put together and leaves behind. We want to thank you, Valerie, for your vision, leadership and public service. And this is your staff.

CHAIR STEFANICS: County Clerk, Valerie Espinoza, I think the Commissioners have a few words to say and then we're going to do photos and presentations with you. Commissioner Vigil.

COMMISSIONER VIGIL: Valerie, who would have thought eight years would go by so fast? Today it seems like it was just a flash. You know I really want to thank you for your service, your commitment to your responsibility as a Clerk, your willingness

also to help the public in whatever way you can. I think you've done a wonderful job and I wish you so much success in your PRC election as you go on. I know if you continue with the same sort of mode of service that you have as a Clerk you will be very successful. Congratulations and good luck.

CHAIR STEFANICS: Thank you. Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, Ms. Espinoza, Valerie, you've been a friend, you've been a hard worker for Santa Fe County. Collaboration, commitment, compassion, are some additional words I would use to explain you. You are everywhere you need to be and you were always responsive to the customers and the citizens' needs, and you do it with a big heart and open arms. I congratulate you again on your election to the Public Regulation Commission. I know you will serve the district well in the interests of your district and the citizens of the state of New Mexico. Good luck and many blessings to you.

CHAIR STEFANICS: Thank you. Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Valerie for your hard work and your service to the community. I can't tell you how many times I have heard from my constituents how well run and how professional the County Clerk's Office is, and I know that that's because of your leadership. So I really want to thank you for that, for making our whole County look good. Anyway, I also of course want to wish you the best of luck and success in your new position. Thank you.

CHAIR STEFANICS: Thank you. Valerie, I believe that what we're going to miss a lot, or I am going to miss is the perky smile, the springy step around the County building, but I know that we're going to continue to see you around the community with your baseball hat and your granddaughter. I believe that just as some other individuals and families are fixtures in our community, you're going to be around and we're going to truly appreciate your continuing that positive energy. Thank you very much for serving the County of Santa Fe. So I think what we're going to do is first take the photo with the proclamation and then we'll take a photo with the entire staff that's here.

[Photos were taken.]

VIII. C. Recognition and Appreciation of County Surveyor, Jeffrey Ludwig

CHAIR STEFANICS: Thank you. It is now my pleasure to present the certificate of appreciation for Jeff Ludwig, County Surveyor. The certificate of appreciation the County Board of County Commissioners hereby acknowledges hereby acknowledges Jeffrey Ludwig, County Surveyor, in recognition and appreciation of the public service provided to the citizens of Santa Fe County. Therefore, the Board of County Commissioners presents you with this certificate of appreciation on this day, Tuesday, December 11, 2012, signed by the chair, the vice chair, Commissioner Mayfield, Commissioner Vigil, Commissioner Anaya, and County Manager Katherine Miller.

And I'd like to let you know that the surveyor is a very unique office. He is a one-person show. And for that we thank him very, very much for all of the work that he has contributed. I know that he has assisted many landowners in our community when it comes time for land use decisions. He has assisted the County with review of some of the plans, and

it's not easy being a one-person show, and I thank you very much, County Surveyor Jeffrey Ludwig. Commissioner Anaya.

COMMISSIONER ANAYA: Yes, Madam Chair, Mr. Ludwig, Jeff, you've always been an open-minded individual and you've always been straightforward in your remarks and what your perspective is on a professional level as well as a personal level on various items that the County has reviewed and been faced with. I wish you the best of luck in your future endeavors. Thank you for your service.

CHAIR STEFANICS: Thank you. Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Madam Chair. Thank you very much, Mr. Ludwig, for your hard work. I am very aware of how hard you tried to make the surveyor position useful and relevant. Of course we know it didn't quite turn out that way, but I was very impressed with how hard you tried to come up with some really good ideas and so on. You were very persistent. Anyway, thank you, and I really wish you the best in whatever comes next.

CHAIR STEFANICS: Commissioner Vigil.

COMMISSIONER VIGIL: Jeff, your work did not go unnoticed and a lot of what you did were things that you actually created a support system for that wasn't there before. So the innovativeness and the creativity and the expertise that you provided, a lot of the surveying questions, the platting of the lands, looking at those, giving opinions on them, that was really, really huge. You created such a usefulness for the responsibility of a surveyor that I am hoping as the County moves forward and they look at a surveyor position and when that would be possible, that you put that in your application and apply for that, because there's no one that has that unique experience that you have and I have not – it's just so much was brought to my attention without you even bringing it to my attention. And I was so pleased to learn about all the benefit you created during your tenure here. Thank you so very much. You were very much appreciated.

CHAIR STEFANICS: Jeff, would you like to say a few words?

JEFFREY LUDWIG (County Surveyor): I would. Madam Chair, Commissioners, thank you for those very kind words. It has been an honor and a pleasure to serve the County, the County staff and the citizens of Santa Fe County. Thank you.

CHAIR STEFANICS: Thank you. And Jeff, thanks for operating with a sense of grace after we had all our ups and downs and you will be remembered for that.

MR. LUDWIG: Thank you for that recognition.

CHAIR STEFANICS: We'd like to come down and do the presentation and take photos. Oh, I'm sorry. We have some other people who'd like to speak. Do you want to come forward?

AMANDA HARGIS (GIS Coordinator): Madam Chair, County Commissioners, my name is Amanda Hargis, I am the GIS coordinator and the acting 911 addressing manager for Santa Fe County. I would like to give a huge thank you to Jeff Ludwig for assisting us even before he actually took office and County Surveyor by clambering up and down mountains to set survey points, those big white Y-shaped things that you see for aerial photography for our 2008 air photo project that was a rush project and he helped us immensely with that and that made the project succeed.

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SEC. CLERK RECORDED 02/06/2013

Jeff also provided us guidance regarding the legally allowable and ethical use of our mapping data that we use at the County. It's very critical. He provided us with instruction on the very technical and scientific aspects of fitting a mostly spherical earth onto flat sheets of paper. He cheerfully answered the frequent questions we in GIS had regarding interpreting maps and surveys, which can include very specific legal and technical language, and he recognizes that going from paper mapping to digital mapping can be hazardous at times. We see that by people trusting Google maps and driving off cliffs. And Jeff helped us to find regular, everyday language to explain to regular, everyday people the usefulness and the dangers of trusting maps too much, but allowing them to guide our decisions as a County. So thank you, Jeff, for being there whenever I had a question, for telling me when I was right and telling me when I was wrong. I really appreciate it.

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

MS. SALAZAR: Madam Chair, Jeff, I would like to tell you that I truly appreciate the work you have done with the Clerk's Office as being the official record keepers of the County. I know the importance of the work that you did for us, especially when we have customers who come in who are frustrated and upset and angry and confused about surveys, and wanting our expert opinion. And when I have to immediately disclose we cannot provide an expert opinion, that that would come from a licensed surveyor.

So I want to thank you for the work that you have done, and also the acceptance or our referrals to you in explaining to our customers what surveys are about and why it's important to have a licensed surveyor with expertise in the area of surveying. Thank you so much for your work and I wish you the best in your new endeavors.

CHAIR STEFANICS: Thank you. Jeff, we'd like to come down and present you with your official photograph and plaque, and is that your wife with you? Could we have her in the photo with us please?

[Photos were taken.]

VIII. D. Recognition and Appreciation of County Treasurer, Victor Montoya

CHAIR STEFANICS: Don't worry, Victor, we haven't lost our steam. At this point we would like to do a recognition and appreciation of our County Treasurer, Victor Montoya. I have a certificate of appreciation by the Santa Fe County Board of County Commissioners hereby acknowledges hereby acknowledges Victor Montoya, County Treasurer, in recognition and appreciation of the public service provided to the citizens of Santa Fe County. In case members of the public don't know, he's the one who takes our money. Therefore, the Board of County Commissioners presents you with this certificate of appreciation on this day, Tuesday, December 11, 2012, signed by the chair, the vice chair, Commissioner Mayfield, Commissioner Vigil, Commissioner Anaya, and County Manager Katherine Miller. And we have County Treasurer-elect Pat Varela to come up and do the presentation

PAT VARELA (County Treasurer-Elect): Good afternoon, Madam Chair, Commissioners, Madam Manager, public. I have the privilege from the staff of the Treasurer's Office to say a few brief words about Victor Montoya. I've only known him, actually, for 2 ½ months, so I really don't know his history but I can tell you what he's done

for the office. In the past eight years he has made several changes to the office which he made control measures to the money safe. He's made changes in the office where the employees are more safe; they're behind glass and there's no way somebody can threaten them.

For the past eight years he's single-handedly managed the County's portfolio which would cost if the County had to pay an investor hundreds of thousands of dollars just to do that. He's single-handedly done that. He also serves on the PERA board in keeping our retirement safe. I'd like to thank you for that. So without further ado I'd like to present Victor Montoya and wish you luck in your future endeavors.

CHAIR STEFANICS: Thank you. So is there anyone else who wants to speak before we go to – yes, come on up, and then we'll hear from our County Treasurer and the Commissioners.

MARIANNE MARTINEZ (Treasurer's Office): Victor, you know, I'm the oldest of your staff here. I've been here the longest, and I'd like to say thank you for everything that you've done for the office and you and I haven't always seen eye to eye in a lot of stuff, but you know what? I enjoyed working with you. Sometimes. But I really appreciate everything you've done for the office and everything again. You brought it a long way. There's been a lot of changes and he's made a lot of good changes. If it wasn't for Victor for making those changes the office wouldn't have run as smooth as it has all these years. So thank you, Victor, and I really enjoyed working with you.

CHAIR STEFANICS: Thank you.

THERESA ROMERO (Treasurer's Office): Madam Chair, Commissioners, my name is Terese Romero and I've been working with Victor Montoya for nine years. I would like to thank him for all the things that he has done for the office. He has made our office very secure and safe for us employees and for the public. He has been very personable. He has always been very good to us. We haven't always seen eye to eye, but for the most part we have always gotten along. He's treated the public with dignity and respect and also treated us with dignity and respect and I would just like to thank Victor for all he's done for me and also for all the employees and I wish you well in what you decide to do and enjoy your retirement. Thank you.

CHAIR STEFANICS: So before we let you speak we're going to hear from the Commissioners about you. So Commissioner Vigil.

COMMISSIONER VIGIL: Victor, I say the same thing to you I did to Valerie: Doesn't eight years go by really fast? We all started with the same term and here it is the end of our terms. Wow. In those eight years I've learned to appreciate the expertise you brought to your position, particularly in the area of investments. And I also appreciate your deference to the Commission and to the County Manager throughout your tenure. And your willingness to work with the Investment Committee and with the community as a whole.

One thing that I have to say about you in my experience is that you always had a sense of fairness to everyone that you dealt with and it didn't seem to me that you wanted to treat anyone differently, and that became apparent when I think a legislator or something like that was at your office and I said, you know, you've got so-and-so at the back of the line, and you said to me, That's where he's going to have to say to pay for his taxes. And I thought, okay. He's trying to be fair to everyone, irregardless of what their position is or whatever the situation may be. So that fairness was quite expressive, at least from my perspective.

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I've also have gotten to know you and Christy very well and have appreciated who you and your wife are, your family and what a good model you have been in that capacity. Thank you very much for being the public servant you have been. I wish you continued success in whatever you decide to do. And I, like you, are retiring but I'm not retiring-retiring; I'm just drawing an annuity because I'm not sure what PERA is going to do to the system. So when you're at the PERA board discussing that, please, please protect our contributions and our pension plan as much as you possibly can. Thank you.

CHAIR STEFANICS: Thank you. Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Madam Chair. I just want to thank you, Victor, for all of your service. I'm been so impressed with how dedicated and hard-working you are. Also, I have to say that I love your investment philosophy. It is conservative and this is one instance where I think being as conservative as possible is a good thing. So in any event, I just want to wish you the best in your retirement, although I hope you will still be available for consultation in the future. Thank you.

CHAIR STEFANICS: Thank you. Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, Mr. Montoya, I've got to say this on the record. Give us a smile for the record, because you're always pretty serious. There it is. You have a good staff of people that have worked hard in the Treasurer's Office to help you, as have all the other staff in the Clerk's Office and throughout the County. But I too have appreciated your investment portfolio and strategy and I have to admit though, every time I run into you I felt like I was going into a banker's office, like I might be in trouble. But you've done a good job at the County. You have good people that have been behind you all the way and you had a heck of a mentor in front of you in Mr. Philip Trujillo, who I have a lot of respect and admiration for. So good luck to you and many blessings to you in your future endeavors.

CHAIR STEFANICS: Thank you. Victor, I believe that the way that you staff treat the public is due to your influence upon them and customer service. I and others have always been treated politely, respectfully, and usually with a smile at the window. Yesterday I was watching all the people lined up to pay their taxes. It was December 10th. I'm late on mine; I know I'll get a penalty. But it was like, I didn't want to stand in line. And I knew that if I stood in line, when I got up to the window, I would have been crabby but your staff would have been very polite and respectfully. And I can offer that as compliments to you in the way you ran your office. Thank you very much for that.

Also, in terms of the attitude and the conservative measures of investment, I think you and I agree totally on what should go into the local government pool and what should not. I think you were very receptive to hearing other Commissioners' ideas. When Commissioner Mike Anaya was chair I attended the Investment Committee on his behalf. The chair attends those Investment Committee meetings. Now we've opened it up to all the Commissioners to attend. And I think that's a great place for us to see how we can work with the County Treasurer on investments and moving the County ahead. And you were great on doing that. Even when we had questions about the different banks that we were involved with, you had the interests, not only of the County Commission, but of the County taxpayers at heart when you said we should look at what is best for the County. And I thank you very much and I want the public to know that you looked out for their money. Thank you again. I'd like to

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come down to present your plaque and your official portrait and do the first picture with the Commissioners and then the second one with your staff. Thank you.

[Photos were taken.]

CHAIR STEFANICS: Thank you. We'd like to give Victor a moment to speak if he'd like.

VICTOR MONTOYA (County Treasurer): Thank you, Madam Chair, Commissioners, for the nice words of encouragement. I would just like to say that I think my staff is really the people that make you or break you. I'd like to thank them now for their work and their dedication. Oftentimes, like say for the lunch hour. We stagger the lunch hour so we can stay open and assist the taxpayers through the lunch hour, and I think that's an important thing to do.

There was a lot of turmoil when I first started and I know that Commissioner Vigil said we spent the last eight years together but I've actually been there nine, the first year as the deputy. And [inaudible] in the Treasurer's Office so I had to step in and correct all of those things, but overall, I would like to say that I really enjoyed my tenure at the County and I'm also going to be leaving the Public Employees Retirement Board after 13 years on that board. And of course I'm already retired from the state. I've been retired from the state now for 15 years. So I just want to say that I wish you well, success in your administering what you do for the County and for the taxpayers and for non-taxpayers also, because we do have tourism here and just visitors that come to our county because Santa Fe is a great place to live and work, actually.

I'd just like to thank all of you. County Manager Katherine Miller and Steve Ross, we've worked really well together. Steve and I have had to deal with a lot of agreements regarding the custody bank and our investment policy and I think that we really have a good one in place. I'm sure there's other things that you can do to tweak what we have but I'm really happy that we're at this point in time I've had an uneventful term in office. Like they say, no news is good news. So thank you all very much.

CHAIR STEFANICS: Thank you very much, Victor. And I'm not sure that Ms. Espinoza got to say anything?

VALERIE ESPINOZA (County Clerk): Yes, Madam Chair, Commissioners. I'm not like Vanna, so I don't jump to the mike on every occasion. But I did prepare a few words me, because you know me; I need my piece of paper to stand behind me. But it has been an honor to serve as Clerk with so many thoughtful and dedicated public officials, and especially my staff. And while my new job and its district touch a large part of the state, I may be leaving County government but I'm not leaving the people with whom I've always been connected. I won't be far, and my commitment to being accessible will follow me. So I just want to thank my family at Santa Fe County, everybody present, all the other elected officials that I served with over the last eight years, and my constituents, to thank them for the best eight years of my life. And I look forward to seeing you all in the future. Happy Holidays.

CHAIR STEFANICS: Thank you very much. Commissioner Vigil, I know many of your constituents left but do you want to say anything? Because it will be recorded.

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COMMISSIONER VIGIL: Well, I did want to say a few things. I'm so honored that the Mayor and the Mayor Pro Tem were here earlier and one of the City Councilors showed up and I had phone calls and texts from some of them, and that – I wanted to thank them for taking the time to come over to the County thanking me and congratulating me. I think when I ran for office it was really, a major part of my platform was to improve City-County relations and I think them being here is actually a testament to that, and I loved it. I thoroughly enjoyed it. I think it's about building relations. I always have thought that. I think that relations have to be built and solidified and worked with and through with everyone that you work with. That includes all of the staff. Thank you all for being at the luncheon, for the gifts, and for all that you've done to help me help my constituents. It really is because of Santa Fe County staff that that end has occurred.

I really want to – and she's not here because she and I have been crying for four months – Rita Maes. Rita has been wonderful. You heard testaments to her through my constituents. At one time I said she was my eyes, my arms, my hands. She really is my heart also. And in my heart. So I'd like to take this opportunity to thank Rita Maes so works so well and closely with all of the staff here, from the Manager's Office on down through all of the divisions to help District 2 and the County as a whole on all of the issues that we've had to resolve.

Before I go I just want to say this and I'll close. When I first became a Commissioner – and I always will and I always have looked at the glass half-full, the Pollyannish kind of philosophy. Now that I've been a Commissioner I not only look at the glass half-full, and I will continue, but I ask what's in there. If it's water, I ask if it's contaminated. And if that continues, the question I ask is does it get evaporated. What is the source of the water? There is so much education that I have had as a County Commissioner that no longer do I just look at the glass half full, I make the inquisition. And thank you, my constituents, the voters, staff, for helping me grow in that way. I really appreciate it. Thank you so much. I will miss the County very much. But I'm not leaving; I'll be around. Thank you so much, Madam Chair.

VIII. E. Recognition of Senior Procurement Specialist, Maria B. Sanchez for Her Completion of Studies in Business Administration from New Mexico Highlands University

COMMISSIONER VIGIL: You know, I do believe – is Maria here? Oh, there she is. Maria, you're hiding in the corner. I'm really honored to take just a few minutes of our agenda time to recognize Maria B. Sanchez, because she exemplifies really the kind of progress we want for all our employees. Maria came to us. She enrolled in Santa Fe Community College. She got her associates degree there. I think we recognize that anyone who ever gets an associates degree through Santa Fe Community College or any other college needs to be recognized because you balance a lot. Your children, your family and your work. And I know that Maria has also been an exemplary employee because she's participated in a lot of the programs that we've created a support for veterans, she being a veteran.

And with that, I want to acknowledge here as a Senior Procurement Specialist and in recognition of her completion of studies in business administration with Delta Nu Delta, did I say that right? Summa cum laude honors. Congratulations. Presented this 11th day of

December, 2012. Not only did you complete your studies, and I know you did it through the assistance of the Santa Fe County student assistance program, but you did it summa cum laude. Congratulations very much. Thank you. And please share your secrets with other employees, because I know there are many other employees who would like to follow in your steps.

CHAIR STEFANICS: Thank you. Would you like to say a few words before we come down?

MARIA B. SANCHEZ (Purchasing): Madam Chair, Commissioner Vigil and Commissioners, I'd like to thank Santa Fe County for the opportunity to be able to school. My son had just left the home and I was having empty nest and at that opportunity for college for working adults came up and I thought, am I kind of old to be going to school? I won't be able to make it. With the other staff members who attended college for working adults and the other students, we kind of muddled through it to get our associates.

At that time I was the president of Phi Beta Kappa at the Community College and through that I got scholarship for my bachelors degree. And having a scholarship I felt committed what I was going to work very hard at my GPA and I have a 4.0 GPA. And so with that, it's exciting for me, because I'm teaching my family that you're never too old to go to school. But having other adults there also going to school you kind of get together and work on your assignments, I totally enjoyed my education and I applied for the masters program and I'll start my masters in the spring. So I'm excited and being in management I hope I can use my skills and my education to help Santa Fe County, because I love working for Santa Fe County. So thank you.

CHAIR STEFANICS: Thank you. Could we offer her a big round of applause. Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, Maria, congratulations to you. I never pass up an opportunity to congratulate a fellow alum from New Mexico Highlands University. There's many people in our community that graduated from Highlands University – former Commissioner Anaya, former County Manager Gerald Gonzalez, former state senator Roman Maes, Socorro and Art Aragon, former Economic Development Secretary Bill Garcia, and many, many more.

I was also pleased. I didn't know, Commissioner, that you also attended New Mexico Highlands University for a while.

COMMISSIONER VIGIL: I was a Cowboy cheerleader.

COMMISSIONER ANAYA: Awesome. Awesome. So congratulations to you in your work and your work on your masters. I've been working on my masters for 20 years; maybe I'll finish it with you. Thank you for your efforts and your work.

CHAIR STEFANICS: Anybody else?

COMMISSIONER HOLIAN: Thank you, Madam Chair. Maria, I would just like to commend you on your achievement. It's been many, many years since I was in college. It was more years than I care to admit at this point. I was a lot younger then and I remember how much work it was when I was young. And so I can only imagine what an incredible achievement it has been for you to juggle not only a career but school as well. So I just really want to say congratulations.

MS. SANCHEZ: Thank you.

CHAIR STEFANICS: Thank you. I'm very happy that you're continuing with Santa Fe County and not jumping ship. I look forward to seeing you in our audience, which you are here almost every meeting. And congratulations on continuing your education. It's very important to me and I would encourage more County employees to take advantage of the funds that are set aside for higher education.

[Photos were taken.]

XIII. E. Matters from the Commission

COMMISSIONER ANAYA: Madam Chair, I'm not sure if they're here but I know they're probably watching on there. Is there anybody here from Las Lagunitas Subdivision? If not, I did want to make this notation because I said that I would. I met with them yesterday, and staff has been meeting with them. It's a subdivision adjacent to the La Cienega community. And they are one of our customers on our water utility and have a desire to invest themselves their own resources to potentially hook up and create a capital improvement district to hook up to our County sewer system. I wanted to them that I'm going to work on that with my fellow Commissioners and that they will be one of the first for 13 years that moves to invest in their own subdivision with their own resources, similar to what we did in Rancho Viejo and Hyde Park Estates, a similar type of assessment we've done. But I wanted to note that and thank you for allowing me to do that, Madam Chair.

CHAIR STEFANICS: Thank you very much.

IX. APPROVAL OF CONSENT CALENDAR

CHAIR STEFANICS: Is there anybody who wants to change the Consent Calendar?

COMMISSIONER VIGIL: Madam Chair, I move for approval.

CHAIR STEFANICS: Is there a second?

COMMISSIONER ANAYA: There's a second. I'd also note that Commissioner Mayfield is on the line again, Madam Chair.

CHAIR STEFANICS: Thank you very much, Commissioner Mayfield.

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

X. CONSENT CALENDAR (Public Comment for Resolutions)

A. Appointments/Reappointments/Resignations

- 1. Appoint New Countywide Member to Health Policy and Planning Commission, Sun Vega (Community Services Department/Health and Human Services/Patricia Boies)**
- 2. Appoint Lorraine Vigil to the Chimayo Community Center Board (Community Services Department/Health and Human Service/Teresa Casados)**

3. **Request Approval of the Appointment of Fourteen (14) Members to the La Bajada Ranch Steering Committee (Public Works/Adam Leigland)**
- B. Final Order**
1. **CDRC Case # MIS 12-5310 Turquoise Trail Subdivision South Phase RCS-TT South, LLC., Requested Preliminary and Final Plat Approval to Create 58 Additional Lots on Block 1 and Block 2 of the Turquoise Trail Subdivision South Phase, to Replace the 58 Previously Approved Condominium Units. The Property is Located Off of Carson Valley Way, Which is Off of Highway 14, within Sections 24 and 25, Township 16 North, Range 8 East (Commission District 3) Approved 5-0, Vicente Archuleta**

XI. STAFF AND ELECTED OFFICIALS' ITEMS

- A. Administrative Services Department**
1. **Request Approval of Longhorn Construction Services, Inc. Contract No. 2013-0099-OS/PL for the Edgewood Open Space Project in the Amount of \$656,929 Exclusive of GRT**

BILL TAYLOR (Purchasing Director): Thank you, Madam Chair, members of the Commission. The Open Space and Trails program collaborating with the Town of Edgewood Recreation Division on the development plan for the County/Edgewood open space located at 9197 Frontage Road in Edgewood. We issued a request for proposal for landscape architectural services and with that completed with did the IFB, the invitation for bid. We had four bidders on that construction of that open space project, Longhorn, Meridian, HO Construction, Sparling Construction. Longhorn was the low bid and at this time we ask for approval by the Commission and I'll stand for any questions, Madam Chair.

COMMISSIONER ANAYA: Madam Chair.

COMMISSIONER VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I'd like, if I could, if I could get Mr. Leigland to come forward if I could, or Colleen, if she's here. I just would like them to make a few brief statements, Mr. Taylor in regards to the project and the community individuals, or Mark. This is going to be a highly beneficial project for the entire region in southern Santa Fe County that's going to help that community. So, Mark, why don't you just give a brief snapshot so those listening or watching can have an understanding of what this project is going to do for us down in that area?

MARK HOGAN (Projects Director): Madam Chair, Commissioners, I'd be happy to. This project is open space. It's a project that's been coordinated with the Town of Edgewood. We had a number of community meetings that assessed community needs. We went through a number of iterations of a plan that could meet the community's needs as well as the financial parameters for the project. Initially, it's going to include parking for both cars and equestrian trailers as well as a trail network that goes around the property, connecting to some other lines. There's a riding arena with grandstands. We also did a phased design so

that later that riding arena could be covered for a shaded outdoor arena. And then we also have water at the site that we're bringing in and some other amenities.

COMMISSIONER ANAYA: So, Madam Chair, Mark, thank you very much for those efforts. This is something that's not just going benefit Santa Fe County's adults, seniors and youth but also people in that entire tri-county region. So thank you for your efforts and work on the project. With that, Madam Chair, I'd move for approval.

COMMISSIONER MAYFIELD: Second.

CHAIR STEFANICS: Are there any other comments by the other Commissioners?

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

XI. A. 2. Request Approval of Five (5) Indefinite Delivery/Indefinite Quantity (ID/IQ) Price Agreement(s) for IFB No. 2013-0147-PW/MS for Road Maintenance & Construction Materials

MR. TAYLOR: Thank you, Madam Chair, Commissioners. We're here to ask approval of this. This is a multiple award contract. There will be five suppliers or vendors on these five contracts to provide road maintenance supplies and materials to the County. They will be with Associated Asphalt, Delhur Industries, Espanola Transit Mix, and La Farge Southwest, Moriarty Concrete. There were over 270 bid items. This is an indefinite quantity contract and through the state procurement code 151 and also 153 allows you for multiple award contracting. And with that, Madam Chair, I'll stand for questions.

COMMISSIONER HOLIAN: Any questions?

COMMISSIONER ANAYA: Madam Chair.

COMMISSIONER HOLIAN: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, Mr. Taylor, this is a standard bid that goes out every year that covers materials and supplies necessary for primarily Public Works to conduct their business?

MR. TAYLOR: That's correct, Commissioner.

COMMISSIONER ANAYA: Madam Chair, if there are no questions I'd move for approval.

COMMISSIONER VIGIL: I'll second.

COMMISSIONER HOLIAN: Commissioner Mayfield, did you have a question?

COMMISSIONER MAYFIELD: [As relayed by Commissioner Anaya, Commissioner Mayfield asked if they were planning on getting aggregate material from SWMA.]

MR. TAYLOR: I don't think so.

COMMISSIONER HOLIAN: Commissioner Mayfield, Adam Leigland is going to answer that question.

ADAM LEIGLAND (Public Works Director): Madam Chair, Commissioner Mayfield, the aggregate from SWMA is a basaltic material and it doesn't really – we prefer not to use that.

COMMISSIONER HOLIAN: Are there any other questions?

COMMISSIONER MAYFIELD: That's fine, Madam Chair.

COMMISSIONER HOLIAN: Okay, so I have a motion for approval and a second.

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

XI. B. Human Resources Department

1. Resolution No. 2012-164, a Resolution Requesting Approval of the Human Resources Handbook

CHAIR STEFANICS: Being a resolution, this also is open to comment from the public. Because it's the Human Resources Handbook for the employees, that means comments from the employees. So is there at this time any comments from the audience and from employees about the HR Handbook? Seeing none, Ms. Salazar, to continue.

BERNADETTE SALAZAR (HR Director): Thank you, Madam Chair. First of all I'd like to begin by thanking our employees and the union who contributed to the development of these handbook revisions. This is a very collaborative process with the employees and all unions which included many sessions with feedback and comments on appropriate changes as the needs of the County and its employees evolve.

Most of the changes were language clarification, not really changing the intent of the language. There were a couple of substantive changes that were outlined on the memo within the packet material, and in addition, after having seen the employee feedback sessions, some of the items that have been changed which are in the copy of your red line version that was handed out to you include a change to Section 6.3, and the change is to allow employees to wear hats while conducting their business if it's needed, for example, to protect themselves from the sun or from cold weather conditions.

The next change after having the employee feedback section was on Section 6.22.1, Traffic Violations, and employees asked for clarification on reporting traffic violations, when they're in a County vehicle, if they're required to report those. And the answer is yes, and we made that clarification. There was also clarification language added that if an employee is operating a personal vehicle and conducting County business they have to advise risk management immediately if they've received a traffic violation. This does not include traffic violations on personal time in a personal vehicle unless it affects the employee's ability to hold their driver's license.

In addition, we also received some additional feedback and comments from our Legal office, which again is more language clarification and language cleanup which is provided again in the copy that's red-lined that you've been provided. So with that I request approval of the red-line draft with the legal changes included.

CHAIR STEFANICS: Thank you very much, Ms. Salazar. Are there questions, comments or motions?

COMMISSIONER ANAYA: Madam Chair.

CHAIR STEFANICS: Yes, and would you put the speaker back on? I turned it off for Commissioner Mayfield. Commissioner Holian and then Commissioner Anaya.

COMMISSIONER HOLIAN: Thank you, Madam Chair. Thank you, Bernadette. I was wondering, how long has it been since this handbook was last updated?

MS. SALAZAR: Madam Chair, Commissioner Holian, the last time this handbook was updated was October of 2008.

COMMISSIONER HOLIAN: And what was the process that you went through in determining what should be updated?

MS. SALAZAR: Madam Chair, Commissioner Holian, the process was taken as we started out by having employee feedback sessions, probably about two years ago. We received comments and feedback from employees, from union supervisors, on what language was working and what language needed some updating. We also did research on surrounding agencies and then of course any legal updates or changes to the law, we've added those changes as well. Then we had a draft and we continued with more employee sessions to let them know that this was going to be the proposed language, had meetings with unions to let them know of the proposed changes and then allowed for feedback and comments from all those parties.

COMMISSIONER HOLIAN: So all those parties have seen this proposed draft. Is that correct?

MS. SALAZAR: The red-line version with the legal changes just came out so those changes aren't really changing the intent of the language, but those have not been on sharepoint, no. But the previous version was, yes.

COMMISSIONER HOLIAN: Thank you, Bernadette.

CHAIR STEFANICS: Thank you. Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I appreciate Commissioner Holian's comments. She pretty much addressed what I was going to re-ask. I appreciate your efforts and your efforts to communicate with the employees and the unions to make necessary changes to make the manual more professional and productive. So thank you, Madam Chair. Has there been a motion for approval?

CHAIR STEFANICS: Not yet.

COMMISSIONER ANAYA: I'd move for approval, Madam Chair.

COMMISSIONER HOLIAN: Second.

CHAIR STEFANICS: Thank you. There's a motion and a second. Are there any further questions or comments?

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

XI. C. Public Works Department

1. Request Approval of Amendment No. 1 to a Building Lease Agreement Between Santa Fe County and Burro Alley, LLC for Office Space Located at 142 West Palace Avenue, Santa Fe, New Mexico to Extend the Term for an Additional 12 Months and to Include Janitorial Services in the Amount of \$252,321

MR. LEIGLAND: Madam Chair, Commissioners, I think the caption is somewhat self-explanatory. This is what's known as the Bokum Building where Finance and Procurement are just across the street from this building. We're asking to lease it for another year. I do want to note that this does include – included in the terms of this is janitorial service, and that frees up some of our in-house janitorial services for needs elsewhere.

COMMISSIONER ANAYA: Madam Chair.

CHAIR STEFANICS: Yes, Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, Mr. Leigland, I would assume that we're moving forward with our plans and discussions relative to the old courthouse and the moving of the new courthouse and some adjustments may come down the pipeline but for now this accommodates our need for space and proximity to the courthouse and other needs and it just makes sense for us.

MR. LEIGLAND: Madam Chair, Commissioner Anaya, that's a good question. We actually are studying the old courthouse right now and we should be in a position, I would guess February or March to know exactly what's within the realm of the possible for the old courthouse. And with that we'll determine what we need to do with this. We're predicting actually that we'll need to be in this building for two to three more years by the time we determine needs of the old building, move out and renovate it to accommodate the new needs. So we'll be probably be back to you a year from now for this building for one or two more years.

COMMISSIONER ANAYA: Thank you, Madam Chair.

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

COMMISSIONER HOLIAN: Madam Chair, I move for approval.

COMMISSIONER ANAYA: Second.

CHAIR STEFANICS: Okay.

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

XI. C. 2. Approval of Agreement Between Santa Fe County and the Turquoise Trail Master Association (TTMA), a New Mexico Non-Profit Corporation, Providing for Santa Fe County's Acceptance of TTMA's Conveyance of a Lift Station and Wastewater Infrastructure

MR. LEIGLAND: Madam Chair, Commissioners, the TTMA is a non-profit organization that among other things operates our wastewater collection system and if you look through the packet material you'll see a map that kind of indicates the area that we're

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talking about. It's where 599 and New Mexico 14 meet. So currently, TTMA operates this system. It collects the wastewater and it conveys it to a lift station that they currently own, and then that lift station carries it to the City wastewater treatment plant down on Airport Road. So they are currently wastewater customers of the City.

So what this agreement – this agreement does one thing and it kind of applies the second thing. The first thing it does is actually conveys all this infrastructure, the collection system and the lift station to the County and at that point the County will be responsible for operating and maintaining that infrastructure. And the second piece of this which is not specific to this agreement but which is part and parcel to the concept behind it is that we will then – the Turquoise Trail lift station that is in this agreement will then transfer this wastewater to our wastewater treatment plant at the core plant. So at that point the Turquoise Trail master association service area will become County customers.

That will necessitate the cancellation an annulment of the current agreement between the TTMA and the City, but the City, the TTNA, are all aware of this and we've already started that process which will sever the existing agreement and then they will become County customers. And then this would also require the construction of a small length of pressure main from the Turquoise Trail lift station to our existing system.

So we think this is a win-win. It increases our customer base. It lifts an infrastructure onus from this non-profit corporation that they don't want, and it also opens up this wastewater service to other customers in that area, such as Bisbee Court, the Santa Fe Brewing Company. These are other areas that would have access to County utilities.

And there is just one thing. The Turquoise Trail Master Association did ask me to read a couple things into the record. They asked – they said, does the County utility charge a connection fee for fire sprinkler service? And our answer was no. There is no connection fee for private fire lines. They asked is there a connection fee for properties already developed? In other words, will we grandfather in? And our answer is yes, for properties that have an existing water meter, when the County becomes responsible there will be no connection fee, but any other future customers will be responsible for the connection fee.

And the last question is: It is my understanding that County utilities will charge an extra fee for domestic water-sewer service, and the answer is yes, that is correct and we have – the County has an approved rate schedule. So with that I'll stand for any questions. Madam Chair, some of the people that have benefited from this agreement have indicated they might show up today. I don't know if they are here today to speak on this. Here's one person.

CHAIR STEFANICS: Is there anybody in the audience that wants to speak briefly on this? Please introduce yourself for the record.

GARY SMOTHERMAN: Hi. My name is Gary Smotherman. I am the treasurer for the Turquoise Trail Business Park Lot Owners Association. I'm an employee of L.E. Myer Company that owns two of the lots in the lot owners association. The treatment plant that we have done there serves 33 lots within that area. The plant was constructed in 1998 and the first buildings were built down there in Bisbee Court in 1999. The wastewater treatment plant was intended to be a short-term solution. There's over 77 businesses down there that create a significant employee base. Our fees have more than doubled the last four years for maintenance for that treatment plant. It's nearing the end of its useful life and we're

searching for a solution. The signature of this document is the first step for us connecting into the County sewer system, so I'm really hoping this happens big time.

CHAIR STEFANICS: Thank you very much. Questions, comments from the Commissioners? Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Madam Chair. So, Adam, how many customers does this system currently have? Is it 33?

MR. LEIGLAND: Madam Chair, Commissioner Holian, he was referring to Bisbee Court which is currently not part of this agreement but if we do this it will open up his organization to connect to the County utility. As to how many customers are currently in the TTMA service area, I don't have the answer on the top of my head. Pego, do you?

PATRICIO GUERRORTIZ (Utilities Director): Madam Chair, Commissioners, the association right now has more than 200 customers and they will be connected to this lift station.

COMMISSIONER HOLIAN: Thank you. And also, what kind of shape is the infrastructure in that we would be taking over? Does it require any improvements, other than that extra connection?

MR. LEIGLAND: Madam Chair, Commissioner Holian, that's a good question. We've done our best due diligence thus far but there's still a lot of unanswered questions, but if you look at the agreement it actually provides a process whereby the County gets to inspect it and we can determine that it's a minor deficiency that we can live with or it's a major deficiency that will require rectification and then the TTMA can make the decision if we identify a major deficiency that we will ask them to repair, they can decide, well, the cost to repair that is too much for us. Because I will remind you they are donating – this is a no-cost transfer, so they are donating this to us. So they probably wouldn't be too interested in having to come and spend an additional large sum of money in order to transfer it to us.

But both sides are confident that that's not going to be the case, but the agreement does contemplate a due diligence process.

COMMISSIONER HOLIAN: Sounds good. Thank you, Madam Chair.

CHAIR STEFANICS: Thank you. Anything else? Commissioner Anaya.

COMMISSIONER ANAYA: I'd move for approval, Madam Chair.

CHAIR STEFANICS: Thank you. I'd second. Any further discussion?

The motion passed by unanimous [4-0] voice vote with Commissioner Vigil abstaining.

COMMISSIONER VIGIL: I do have to abstain, Madam Chair. I own property in that area.

XI. C. 3. Resolution No. 2012-___, a Resolution Rescinding Resolution No. 2012-58 and Adopting the Rural Water System Acquisition and Integration Policies of Santa Fe County, Including the Conditions and Procedures to be Followed by All Applicants, as Well as Santa Fe County Staff, in the Process of Acquiring and Integrating Existing Rural Water Systems into the Santa Fe County Utilities Service Area

MR. LEIGLAND: Madam Chair, Commissioners, just a little bit of history to set the stage. In April of this year at the request of the Commission a resolution was drafted regarding the County's policy with regard to requests for capital funding for all rural water systems but in particular mutual domestics which are recognized political subdivisions of the state. So a policy was put together in April that basically said if a water system, but in particular, again, a mutual domestic, requests capital funding from the County – and I want to stress here that the policy was meant to deal only with County capital funds, not where the County was acting as a fiscal agent for state or federal funds, for instance – then in return for the receipt of those funds then the mutual domestic would be integrated into the County utility and they would become normal County customers.

But at the time in April we didn't have – we had that policy but we didn't necessarily have a procedure for implementing the policy, so the Commission asked staff to go back, draft a procedure, which we did. We came back at the end of the summer with a procedure that essentially revolved around the execution of what was known as a utility purchase agreement. That was something we borrowed from other utilities and it established the procedure by which we would implement this policy.

Well, in the intervening time several things happened. One is that two systems availed themselves of the policy – Canoncito and Chupadero, but it was felt by a lot of the potential customers that the first policy maybe didn't get a proper reading. And so staff – the Commission asked staff in September to re-evaluate that policy and to come back with perhaps a more measured response. So what you see here is a revision to that policy and this new policy incorporates four major changes.

The first one is we heard loud and clear from a lot of people between September and today that the September policy said that the County will take all your assets but it also said it wouldn't take on your debt. And there was a reason behind that statement, but it became pretty clear pretty quickly that that wasn't going to be acceptable. So we've struck that. The idea now and many of us feel that that's fair is that if we take your assets we'll also take your debts as well. And there are some procedural reasons for that too. A couple of the systems mentioned that if they are dissolved as a political entity they will be unable to discharge the debt, so that makes sense. So we've struck that. And I will just note for the record that in an early draft of the policy that you see in front of you it wasn't clear; there was some conflicting answer and that was just an oversight on my part and that's since been corrected, so what's in the packet reflects what I've just described.

I got feedback, I received feedback from several Commissioners for several different things. We were asked to put in some sort of threshold so below this, if the request is below a certain threshold it wouldn't go into effect. Say so for instance, actually the policy establishes

a threshold of \$100,000, so if the request is for less than that the system does not have to become absorbed by the County. I also heard feedback about implementing some sort of performance-based measurement system, so we've incorporated that. And then also we were asked to make sure that the County financial interests were protected.

So what we did for the performance-based system is actually worked with some people primarily from the Office of the State Engineer looking at some criteria that the state has been working on for some time that was first put forward and was known as House Joint Memorial 86, which resulted in a technical report which established several criteria to meet which were known as technical financial management criteria. And the state implemented a pass/fail process where you had to meet all these criteria. What we did here is we implemented the ten that we felt were the most appropriate for the County situation and we put a point system in. So you'll see that on page 2 and 3 of the draft policy, the points.

So the idea is that a system will make the request and then the system will be evaluated against these criteria and then depending on the number of points that the system earns the funding threshold will be lower or higher. So for instance a system that earns 80 to 100 points the threshold will be \$100,000 under the proposal. A system that earns between 50 to 79 the threshold will be \$20,000, and below that there will be no threshold; it will be just like the existing policy. So the other was to try to meet some established criteria for performance.

The final provision that we put in to meet to try to make sure the County's financial interest is protected, we said that if the system does not become part of the County utility, at least since the County now has a stake in that system at least some of the revenue in that system should come back to the County. So if we invest – if we give you \$100,000 and suddenly we're the owner of one percent of your system we're entitled to one percent of your revenue. So that's the final paragraph that was put in this policy. So I think – I've gotten a lot of feedback just in the week or so that this draft has been out. To be honest with you I'm not sure that it's ready for prime time. I've gotten a lot of good feedback from a lot of people in that meantime. But I think it's a good step. I think we tried to meet all the requests from all the Commissioners and I guess with that I'll just stand for questions.

CHAIR STEFANICS: Mr. Leigland, you need to know, number one, no one approached me about meeting about this so I have no intention of supporting it. Commissioner Anaya, you had a comment.

COMMISSIONER ANAYA: Madam Chair, I have several comments. I appreciate staff's work. I appreciate the work and the communications in particular with the mutual domestic water associations which I believe is who you're beginning to receive comment and we are receiving feedback. All Commissioners got two responses and I'm going to read into the record these because I told them that I would and then I'll follow with a motion that I think warrants some more work and discussion and outreach to continue. So as I told them I would I'm going to read into the record three letters that were provided. This one is provided by Randolph Buckley, the president of the Tesuque Mutual domestic Water Association. And it's addressed to the Santa Fe Board of County Commissioners, all five of us, subject: revised resolution regarding policy for takeover of mutual domestic water users associations.

Dear Commissioners: I thank you for providing an advanced copy of the revised draft on above subject and the opportunity to meet on December 11th to provide additional comments. This letter provides my initial feedback in advance of the meeting. As an overall comment, the tone of the resolution and several of the key terms appear more like a punitive, hostile corporate takeover than an effort by the County to achieve its mission of providing basic services to its residences.

It is important to remember that the members of these water associations are residents and taxpayers of Santa Fe County and these organizations were created at the grassroots level to address the County's inability to provide these basic services. Further, by taking over a water system the County also benefits with one example being the reduction of fixed County costs per customer. More specific comments and questions follow.

How does the County define the term funding? Is this a grant with no obligation to pay it back or a loan with defined interest rate and payback schedule? If this is a grant, is there a possibility of securing a loan without jeopardy of County takeover? If it is a loan, the County has no justification for taking any ownership in the system.

With regard to the purchase agreement, how can the County not accept debts of the water system? Is the County going to default on any existing debts, some of which may be loans from the state of New Mexico or the federal government.

Third, the method of determining an ownership interest based on a funding amount is not defined. Assuming the agreed upon ownership interest was fair it might be reasonable to take a share of net earnings, revenue minus operating costs. However, it is not reasonable to take a share of revenue before operating costs. Once an ownership interest is created the County will also be responsible for a proportionate share of liabilities. Expectations for management rights associated with this ownership interest are not addressed. After a complete takeover by the County how can the County not accept any liabilities of the water system, if the County takes all assets, water rights, cash and revenues but not the liabilities? If the County intends not to accept liabilities where does it believe remaining liability would reside after takeover? Requiring the customers of the water company to pay a service connection fee and a meter fee upon being taken over by the County is unconscionable. At a minimum, the cash available at the time of takeover should be used to offset any fees. Suggest adding one additional term to the purchase agreement that would define the commitment that the County is willing to make to upgrade the system after takeover. For example, providing necessary fire protection and replacement of parts of the system beyond their normal replacement time or in need of repair.

Does the County intend to pay for all the requirements placed upon the mutual domestic water association as part of the takeover? Volunteers currently conduct much of the work required to operate the system. In spite of the County's written policy I am somewhat comforted by the belief that many of the terms of the purchase agreement will of necessity be negotiated on a case-by-case basis and a more reasonable fair and balanced agreement can be reached if it is necessary to be taken over by the County. Please contact me if you have more questions.

This was Mr. Buckley. I have two other shorter responses. This one's from Mukhtiar Khalsa from northern Santa Fe County. Madam Chair, Commissioners, unfortunately, I'm not able to attend the December 11th meeting of the Board of County Commissioners. I will

now make my comments and thoughts regarding the proposed draft resolution regarding rescinding Resolution 2012-58.

First, as a resident of Santa Fe County actively engaged in seeking and developing a source of providing reliable drinking water for its residents I strongly recommend that this proposed resolution be tabled for further consideration. The main and central purpose of this draft resolution in its current version and the resolution it replaces is to seek a means through which Santa Fe County can provide reliable drinking water for its residents. The 39 mutual domestic water associations are not at cross purposes with this goal. Mutual domestics are and have been a very major means to meet this common goal. A secondary goal of this resolution appears to be two-fold. The first part of the secondary goal is to safeguard all contributions made by Santa Fe County in the pursuit of providing reliable drinking water for its residents. The second part of the secondary goal is consolidate under Santa Fe County the maintenance and operations of providing reliable drinking water for its residents.

This current revision does not yet achieve the balance between the major goals necessary to successfully accomplish both goals. For instance, this revision still requires mutual domestics incorporating into Santa Fe County to turn over all assets to Santa Fe County while turning over no debt or liability. I know in this case of Cuatro Villas Mutual domestic this provision would make it impossible for Cuatro Villas as a supplier providing reliable drinking water to incorporate into Santa Fe County. This current draft will restrict the County from achieving the secondary goal of this resolution. This revision also allows that all contributions made by the County be paid back by the mutual domestic. This means that the assistance from the County will not be a contribution. This provision will restrict the County from participating in the main and central goal behind this resolution which is to help provide reliable drinking water for its residents.

A balance between these goals can be achieved. This is not yet the revision needed to allow that to happen. On this agenda, table the vote on this revision so that the necessary changes can be made. Thank you for your consideration of these thoughts and for the responsible consideration you practice in the service of your neighbors.

The last one is from Lupita Martinez. Thank you, Commissioner Holian, for your continued assistance. Because I am unable to attend today's meeting I would like to pass on the following. We are in support of the County passing a resolution. However, the language of this particular version of the proposed resolution is prohibitive. It is evident that there are unique needs for different circumstances. It is my hope that the BCC does not pass a resolution that prevents the County from accomplishing water system integrations.

Madam Chair, Commissioners and staff, I thank you for your efforts. I thank you for your work in trying to find a balance and a solution that meets the County's needs as well as the citizens' and the mutual domestic needs. With those comments and the desire to continue that work I would respectfully move to table.

COMMISSIONER HOLIAN: I'll second that.

CHAIR STEFANICS: Okay. There is a motion to table and a second. That means there is no more discussion.

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

XIII. D. 2. Introduction of Dr. Cha Guzman Santa Fe Community College President [Exhibit 1: Fast Facts]

CHAIR STEFANICS: At this time I'd like to move up and recognize President Cha Guzman of the Santa Fe Community College who came to visit us to introduce herself and some of her goals.

ANA MARGARITA "CHA" GUZMAN: Good afternoon, Commissioners. My name is Ana Margarita "Cha" Guzman and I am the lucky woman who is the new president of Santa Fe Community College for three months and two weeks. And so we have passed the Fast Facts to you, but I want to talk to you about is the goals that Santa Fe Community College has and the process that we plan to go through. We have just finished our strategic plan and will be wanting your input for the new strategic plan which we will start in June. We believe that Santa Fe, as you see in the Fast Facts, has been able to contribute to the students' both education and earning power.

But in this new strategic plan we really want to concentrate on workforce, on really becoming the economic engine for Santa Fe City and Santa Fe County. As you well know, we have a bimodal distribution of citizens, where we have citizens who visit, who are very, very rich, and then we have the citizens who are dropping out at 50 percent from their high school classes. So we believe that we need to work harder with the County and with the City and with industry so that we can bring up the standard of living in Santa Fe for those who are not at the earning wage that they should be.

We are also going to be in a growth mode. We believe that Santa Fe has the need for more educated people and now we have just been – Judge Ortiz said that the HED needed to review our plans for our higher education center and we will be doing that in January, so you can expect not only anymore a two-year college with some third and fourth year graduate work, but you will be able to have a nice, beautiful 35,000 square foot building that will be our higher education center that will allow the population in Santa Fe to get bachelor's degrees and master's degrees. So I am very happy that you invited me and all of the previous work that I have done in community colleges the County Commissioners have been very important to us. We want for you to think of us as a college that will work with you and that will partner so that we really can make this county a fruitful county for all its citizens.

CHAIR STEFANICS: Great. So thank you so much for coming and let me start off by saying I am very interested in how the community college can continue to support within our community. And we're not just talking about any job, but good paying jobs.

DR. GUZMAN: That's right.

CHAIR STEFANICS: Earlier this week I received a call from Senator Udall's office, from Fern Goodheart, who is the education resource person for him, who indicated that the Senator is very interested in what federal programs could actually support a teenager staying in school so that they will progress. And of course they were talking about workforce development and continuing on. My comment to her was that I really thought that we had to catch students in the middle school/junior high age group, because that is where we have a drop out rate starting. Now, I do believe that many students have been introduced to different careers in their education and it would be great if they had opportunities to shadow professionals, maybe the community college is the entity that could work with some of those

students and some of the teachers in some of the public schools. But I really hope that we can do some cooperation and partnership around that.

Earlier, about two years ago and Commissioner Vigil could probably correct me on that, when the Buckman Direct Diversion Board was looking at providing funding for our employees to receive training out of state, I said why aren't we doing this at the Santa Fe Community College? And we would say that for anything, whether it was firefighting, whether it's for paramedics and EMT, whether it's for energy, green energy building, but I hope that we continue to have a very productive relationship together.

DR. GUZMAN: Thank you.

CHAIR STEFANICS: So let me pass the mike. Commissioner Holian, anything?

COMMISSIONER HOLIAN: Well, I just have to say that I agree with everything that has been expressed. I think that one of the strengths of our community is having the community college and it really has always had a focus on job creation and good job creation. And of course I'm very interested in green jobs in particular and I think the Sustainability Center is just absolutely a wonderful resource for our community.

DR. GUZMAN: Would it be helpful for me to make an appointment with each one of you to look at your area and learn more and talk to industry in your area and kind of begin there with each one of you?

COMMISSIONER HOLIAN: That would be very welcome. Thank you.

DR. GUZMAN: I would love to do that.

CHAIR STEFANICS: Absolutely. Commissioner Vigil.

COMMISSIONER VIGIL: Dr. Guzman, thank you so much for taking time out of your busy day to be here. And I wanted to say in front of all of us we do have her bio and it's quite impressive. She did go through a highly scrutinized search committee to get the nomination for this particular position and certainly you all know I work very closely with the community college and have thoroughly enjoyed working with Dr. Guzman so far. To your question, Commissioner Stefanics, actually that's one of the success stories of the community college and the partnership with the Buckman Direct Diversion. It is through the community college's custom training component that many of the jobs that are currently out there were created. So that project created as much of a partnership that we could within the community. I tout that success often.

One of the reasons why you actually were brought to Santa Fe was your success in student graduation and I wanted you to speak a little bit to that because with the higher education center coming on line you and your experience with the programs that you've created are going to catapult that experience for many of the students here. Earlier in this meeting we honored an employee of Santa Fe County who started at Santa Fe Community College and has now finished her bachelor's at Highlands. When the higher ed center comes into town, these kinds of government employees are going to have more access to getting that bachelor's. So the experience you've had in catapulting graduation rates in community college, if you wouldn't mind speaking a little bit to that, particularly for the Hispanic population, which was a real plus.

DR. GUZMAN: Thank you. Well, for the rest of the Commissioners and for the audience, we were able to increase 300 percent the graduation rate at Palo Alto College in

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Texas, and it was the community college that had the greatest increase in graduation rate. I believe that a critical component to that is what we're developing at Santa Fe Community College as we speak. And it's called the center for academic transitions. And it is a center that works with the students after they have received their diploma, because it's scary to go to a job, or it's scary to go to the university. And so they stay at the community college and they take courses upon courses upon courses. What we did is we said at 45 we will guide you and you will graduate. Because that's what you came here to do. And we will help you find a job or we will help you transfer to a university.

And it was amazing when we looked, and we have looked at Santa Fe Community College, we have students that have 100 credit hours. They could have gotten two associates degrees. And so we will be doing that starting in January and I want you to stay tuned, because I told the staff today that I expect a 20 percent increase this year on graduation rates from last year. Any other comments or questions?

CHAIR STEFANICS: No, but we'd like to thank you very much. We had a Commissioner on the phone and there was trouble so we had to let it go for a little bit. But thank you very much for taking time out of your busy schedule to come. We really appreciate your sharing this with us and we look forward to working with you but perhaps the individual meetings –

DR. GUZMAN: Absolutely.

CHAIR STEFANICS: We have a new Commissioner coming on in January as well and I believe that all of us would be very interested in working with you.

DR. GUZMAN: That's wonderful. You will hear from us in January and we should have a plan by February and move on. Thank you so much for the good welcome.

CHAIR STEFANICS: Thank you very much for coming.

XIII. C. 3. Resolution No. 2012-165, a Resolution Authorizing the Santa Fe County Manager to Provide Up to Two Hundred Fifty Thousand Dollars (\$250,000) in Funding for the Purchase of Secured Furnishings and Fixtures for the New First Judicial District Court Building [Exhibit 2: Resolution Text]

CHAIR STEFANICS: We have Judge Ortiz in the audience, and I'm assuming, Judge, that you are on a limited time schedule? Okay. So we are going to move down Commissioners, to item XIII. C. 3. This is a resolution. None of the Commissioners have had an opportunity to study or weigh in on this except through the media. So this being a public hearing, anybody on the audience can speak to this. I understand the Judge has come to speak to this but if anybody after the Judge wishes to speak to this we will take your comments. So Judge Ortiz, welcome.

JUDGE RAYMOND ORTIZ: Thank you very much for allowing me to speak out of turn, if you will. Madam Chair and members of the Commission, I'm Judge Raymond Ortiz, the new chief judge of the First Judicial District. I've been chief judge for about two weeks now. Members of the court staff here with me are Stephen Pacheco who may be able to answer any additional questions you have that I may not be able to answer. With me here

today also is Judge Glenn Ellington. Judge Sarah Singleton is on her way as well. The other judges are on the bench. And I've indicated to the judges that they need to take care of cases first. Once their dockets are over they could come here but I assure the Commissioners that the presentation here has the unanimous support of all the judges in our district.

As you are well aware, we were successful in obtaining a \$250,000 grant from the Board of Finance last week that was in fact my presentation to the Governor and the Board of Finance on my second day as chief judge. So we come to you today to request in the amount that I'll request, and I'll put this upfront, is a total of \$328,573.33, and I'll break that down to you in greater detail later but I want to assure the Commissioners that this is a list that's been provided to you previously, I think by our CEO, Stephen Pacheco. It's a list comprised of two primary categories of items. The first category is what I would call large courtroom tables. Let me back up a bit. The courthouse of course – and we're very thankful to the County Commission for having spent \$65 million up to this point. It's beautiful on the outside, but of course there are a number of items left to be completed on the inside.

One of those is, for example, the courtrooms. The courtrooms, beautiful as they are, are vacant because they have no counsel tables, literally no place for counsel to come and spread their papers. No chairs for counsel. The large counsel rooms that we have for attorneys meeting with their clients, the district attorney to meet with her clients to prepare for grand juries, beautiful big rooms – no tables. Public defenders, to meet with their clients, no tables in the conference rooms. Large conference rooms throughout the courthouse – no tables.

Other items that we need, for example, in the court clerk's office, the secretary of the steno pool, no tables, no desks, nothing to put our staff. In terms of where we are today, as you are well aware, we received the \$250,000 grant from the Board of Finance last week, but the only realistic means of us moving into the courthouse prior to June is obtaining money from this honorable body. Obtaining money from the state and the County are our only options for funding because we of course receive no independent funding from any source in order to pay for furnishings, whether they're fixtures or not.

And let me be clear that the amount we're requesting here today is for what we consider fixtures. These large tables would be bolted to the floor and/or bolted to the walls. So they are fixtures in every sense of the word. The other package here, which is listed as system workstations, likewise would be part and parcel of the facility because they would be wired in and/or bolted to the floors and/or walls. So these are core fixtures that we consider part of the building.

We have no means of obtaining these funds from any other source. And just to give – the Commissioners may have heard this from previous chief judges because of course we've been trying to get this courthouse for years now, but let me just give you a very brief summary of the kinds of cases we do. Of course it's all types but in terms of volume, it's over 10,000 cases per year that our district handles. The number of cases per judge that we handle is in excess of any other average for any other court in the state. Why is that? Number one, we're three judges short. That of course is not your problem; that's our problem, but that's why we need the new courthouse because of the volume of cases that we have.

In terms of the number of citizens that come into our courthouse on a daily basis, it's 700 to 800 citizens. So we need the ability to provide services for those citizens. The County of course has spent \$650 million up to this point for which we're very grateful. Often I'm

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asked well, what has the court contributed up to this point and my answer is \$1.8 million. How do I get to that figure? When the courthouse was first designed, \$3 million was the amount for fixtures that was estimated by the architects and these are architects that have designed courthouses across the country, many states in the union, including state and federal courthouses. So from that \$3 million figure, we've over the course of the last year and a half negotiated down to \$1.3 million. So that's \$1.8 million that we've basically contributed, if you will, as our part, and that's a part that I think is not only through skin and muscle it's to the bone and into the bone.

What we come to you of course is far less than that because frankly we hope to get additional money from either the Board of Finance or other sources beyond the funding that we're requesting here today. The other aspect in terms of the timing that I need to emphasize to this honorable body is that of course we are going to go to the legislature for the full \$1.3 million less the amount that was given to us by the Board of Finance, less any amounts that are obtained from this honorable body today, and less any amounts that are obtained from, for example, AOC and/or Judicial Information Division for computers and monitors, because they have some money budgeted for computers, monitors and servers.

But in order for us to move into the courthouse before June we need substantial additional funding to purchase the furnishings. And as the County is well aware from dealing with other projects there's a turnaround time of six to eight weeks between the time that we put the order in and the time those items are actually delivered to the site. So even if we got all the money this week we still wouldn't be able to move in until mid to late February. And if we don't get the money that we need it's very likely that we're not going to be able to move in until probably June at the earliest, assuming that we get the money that we need from the legislature.

And that's of course unless the legislature attaches an emergency clause to whatever funding we obtain, which would give us faster track funding and that's also based on the assumption that the Governor will not, as she did last year, veto the entire appropriation. So there are a fair number of contingencies even for us to move in by June. And of course until we move into the new courthouse the County cannot occupy the current courthouse for its offices.

So what do we need? I outlined the furniture package. What's not included in our presentation here today is funding for servers, computers, switches, courthouse gallery monitors, jury box monitors – that we're trying to get from either AOC or the Judicial Information Division. What we are trying to get from this honorable body is large tables for the courtrooms, large tables for the meetings for the district attorney, for the public defender, for other attorneys to meet with their clients, and these are very large conference room tables that would be affixed to the floor.

Another question that's often asked to me – well, why can't you just move already existing furniture into the new courthouse. Well, there's three answers to that. We can move part of the furnishings. The second part of the answer is some of the furnishings in that courthouse are old and decrepit. We've been in that courthouse for 30 years and the furnishing wouldn't even stand up to a move. The third thing is some of the furnishings cannot be moved efficiently. There are some partitions that we have in the old courthouse that if we were to have a mover come in, disassemble the partitions, move them and

reassemble them in the new courthouse it would cost more than just having partitions ordered for the new courthouse and delivered.

And finally, the new courthouse, as this Commission knows, is more than twice the size of our current courthouse. Even if we were able to move every stick of furniture, which we are not, we would still only have it half occupied and not be able to be ready and open for business.

So what I'd also like to emphasize here is I made a decision as the new chief judge to approach the requests to the funding bodies in a different way. Up to this point all the requests have been made upon estimates, projections, what this might cost and I made a decision: that's not good enough. What bodies need is hard data. What's hard data? It's what a bid that we have in hand says needs to be paid. So we have bids for all these items in hand and what we have in front of this Commission is a sheet and I trust and hope that you have this handout. [Exhibit 3] Has this been provided to the Commissioners? I have copies for all the Commissioners, plus the County Manager plus for the County Attorney. I think that's enough. Here's some more if you need some more. Thank you.

And just one last item by way of prefatory remarks. The court completely understands the County's position and completely appreciates the County's position on this which is of course that the County has already paid \$65 million and the courthouse does already include a substantial number of fixtures, that is cabinets and other places to store documentation which are affixed to the walls and the floor. That's the prototypical definition of fixtures and we're very grateful that that has been included up to this point.

What this sheet includes, members of the Commission, it's a two-page sheet. The first items on the first page, items one through eight, these are various subportions of what we call a table package, which are large table for counsel in the courtrooms, large tables for the district attorney, the public defender and private attorney meeting rooms. Large tables which would be affixed to the floor. The second page is what we call the systems work station package. So these are items that would again be affixed to the floor and/or walls and wired in to the building. So this is for, for example, the court pool, the stenographer pool and every other place in this large courthouse where this kind of furnishing is appropriate.

So as you can see the total on both of these pages is \$328,573. Just a last few points. Certainly I will stand for questions. If I can't answer questions in terms of details of budget and bids, I can have my CEO, Stephen Pacheco answer those questions because he was the one I tasked with going out to these various vendors and obtaining the bids for these various items, because I made the decision again that a body such as this Commission does not want to be dealing with estimates or projections. These are hard numbers, what a vendor needs to have in hand before they will ship these various items to the courthouse. And again, I appreciate the County's position. You're put in a difficult position because of decisions that have been made by the executive and other agencies. We're put in a difficult position even though we've contributed \$1.8 million, because we don't have any money to obtain except from bodies such as yours. So it's a situation where in the larger sense we are allies in this to try and get into the courthouse. We have every motivation to get in as quickly as we can. Certainly you have every motivation for us to get out of the existing building into the new courthouse so we can serve the public better. But the bottom line is we can't move unless some funding is obtained from this honorable body. And I will represent to you that I'm

working hard not only to obtain funding from this body but from the AOC and from Judicial Information Division in terms of funds that they can pay for which again is limited to computer servers and what not. So with that brief presentation, Madam Chair and members of the Commission, I'll certainly stand for questions and to the extent I can't answer them I will have my CEO answer them.

CHAIR STEFANICS: Could I ask you to sit in the front row while we take any other public comments. Then we'll go to your questions. Judge Ellington, did you have anything you'd like to add?

JUDGE GLENN ELLINGTON: No, Madam Chair, just to support the comments of our chief.

CHAIR STEFANICS: Thank you very much. Is there anybody else in the audience that would like to comment on this particular resolution? Resolution No. 2012-165 where the County Commission would appropriate up to or provide authority to the County Manager to find up to \$250,000 in funding for the purchase of secured furnishings and fixtures. Is there anybody else who'd like to speak? Okay. We are now at questions, comments from the Commissioners. Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Madam Chair. Thank you, Judge Ortiz, for your presentation. So, if I understand correctly, if we were to allocate the \$328,000, plus or minus, that you would be able to occupy it as soon as it was ready to be occupied. Correct?

JUDGE ORTIZ: Correct. This \$328,000, and that's based upon our ability to obtain servers, computers and other equipment, but I've already had extensive meetings with Mr. Artie Pepin who is the head of the AOC, Stephen Price who is the head of Judicial Information Division, and we've talked about some hard numbers that will get us into the courthouse. But they basically do not want to commit to a number unless they are assured that we have received the money from this body. They already know what we received from the Board of Finance, but there's a number out there that's basically \$700,000 in round figures that we need to move. So between what we obtain from this body, what we've already obtained from the Board of Finance and what we hopefully can obtain from AOC and Judicial Information Division for computer servers – wiring for example for all the above installations, monitors throughout the courthouse, that's what they can pay for because that's what they're authorized to spend. So, yes, if we were to receive the full \$328,000 we could move in. Now, I can't commit to an actual day but we are now basically into mid to late February even if we were to obtain all the money this week. So that's just the reality because of the turnaround time.

COMMISSIONER HOLIAN: Okay, Judge, well, I would just like to put on the record that I think that it's extremely crucial that that building be occupied as soon as possible. The taxpayers spent a lot of money on that building. It would be a real tragedy if it stood idle for any time at all. Thank you.

JUDGE ORTIZ: We are in complete agreement with that.

CHAIR STEFANICS: Thank you. Commissioner Anaya, and then I have some comments. Commissioner Vigil, do you have any, after Commissioner Anaya?

COMMISSIONER VIGIL: I do.

CHAIR STEFANICS: Okay.

COMMISSIONER ANAYA: Madam Chair, Chief Judge Ortiz and Judge Ellington, thank you both for being here today. I'm glad you're here. I want to have a discussion about this and I also want to publicly have maybe a little bit of dialogue between us because frankly, as a Commissioner, sitting on this bench the last two years, we, time after time after time have had to deal with modifications and adjustments associated with the courthouse. And constantly in the press Santa Fe County is – and I'm not saying it's because the press is doing it to us but in the press it comes across like we're the ones that are not fulfilling our obligations and responsibilities. And I can recall when this courthouse was in the discussion phases that at every turn, the Board of County Commissioners and the County was trying to provide a facility that would adequately meet the needs of the judges at the time and now the current judges.

My concern and my first question is this. Precedent goes a long way associated with any decisions that we all make in our deliberations and our work. There are counties throughout the entire state of New Mexico that are faced with unfunded, required, statutory mandates from the state of New Mexico. Anything that we do along those lines could impact not only this county but could impact every other county across New Mexico. Chief Judge, could you provide some legal framework or legal perspective or point of view that could help me have a palate that would let me be able to look at this reasonably in a way that wouldn't later become a detriment to other counties in the state of New Mexico?

I can envision that although we might think it's a small contribution in the scheme of a \$65 million project, it could lay the groundwork for other counties to then have to come up with other funds that frankly most other counties couldn't even think of coming up with funds because they just don't have them. So help me with that piece, keeping in mind that this Commission, this sitting Commission and the prior Commissions, the prior two Commissions. I'll go back two sets of Commissioners, have always worked and wanted to work with the First Judicial District and the judges and for that matter the magistrate court and the Administrative Office of the Court. So I apologize for going on, but could you give me feedback on that piece that concerns me?

JUDGE ORTIZ: Madam Chair, Commissioner Anaya, excellent question, and let me answer this in terms of taking the broader perspective. Certainly from the perspective of the courts, the County has been very, very supportive of us obtaining a new courthouse. And this has been from the very first days when we were going out for the bond issue years and years ago. And this was going back three chief judge now, when Judge Hall was the chief judge. We were trying to get this whole project off the ground. The Commission as a whole was very supportive and they have continued to be very supportive. In terms of the picture and the dilemma that this County finds itself in, there are a number of cases going back over the last 50 years, two Attorney General's opinions, one very recently, the sum and substance of all those cases is basically that the County is responsible for building the building, paying for the building and for fixtures in the building and the state is responsible for paying for furnishings.

Understanding that distinction and that dichotomy, that's exactly why we're coming to you today with a package that we're presenting here today. The package that we're presenting here today is exclusively fixtures. That is to say they will be part and parcel of the building, bolted to the floors, bolted to the walls, wired in. So that would give this County the

point to argue with other counties that if you were to fund what we're requesting here it would be no different from any other county that has paid for a courthouse in the sense of building the building and including some fixtures appurtenant to that particular structure. You would be doing the same as other counties have done historically. That's why we're not asking you to depart from that.

I completely realize and understand the dilemma that you don't want to be put in the position of paying for furnishings that can be moved because that sets a very dangerous precedent for future courthouses that are built and for other counties being put to the task of paying for movable furnishings. That's not what we're asking you to do. In my view, what this court is asking you to do is to pay for only fixtures in addition to the buildings and fixtures that you have already provided.

COMMISSIONER ANAYA: And Madam Chair, Chief Judge Ortiz, I completely understand and respect that analysis but I'm fearful that in those other judicial districts they would approach the County and say, we'll affix the furniture to every one of those courthouses, which in turn they will, which will then in turn turn into an expense that I think could affect budgets and counties in already strapped budget times.

That being said, let me ask a different – I think through this project without question the Commission and myself and other Commissioners more than I have had probably more dialogue and communication between the judges than we maybe had historically. That's not taking anything away from prior Commissions because you have a need and a specific building you need to try and fill up. I would agree with Commissioner Holian; we don't want to leave a building idle. That being said, what other mechanisms can we have with you as the chief judge and the other judges to communicate more often and to begin to bridge issues that affect us in a big way, for example with our electronic monitoring or with our jail? Another unfunded mandate that we are faced statutorily with as counties that you know without question for us and every other county that has a jail continues to escalate in cost over time.

What other things can we do? This is a little different than the furniture question, but what else can we do because our costs continue to escalate and our costs continue to escalate across the board for all county resources and services. And we only bring in so much. So what other thoughts might you offer this Commission and myself to augment that or figure out more creative ways to be more efficient, keeping in mind that there's a clear separation between your roles with a particular case. But what else can we do to help – if we make an adjustment like this to help maybe offset and work closer together between the two entities?

JUDGE ORTIZ: Madam Chair, members of the Commission and Commissioner Anaya, it's a two or three-part answer to that question. When I was elected chief judge the very first thing besides my gratitude to my fellow chief judges was to indicate to them that I have an absolute open door policy. Any time of the day or night, if some issue is pressing, you come into my office, pull me off the bench, and I will take up that issue. I've expressed that to other bodies and I'm expressing that new way of doing things if you will to this Commission. If the Commission at any time thinks that there is an issue that needs the attention or support from the judges in the district I will make myself available and I will make the judges available at a meeting.

I'll give another example. Just last week the County Manager asked to be put on our agenda to address a couple of matters. One is an issue that you addressed, Commissioner

Anaya, electronic monitoring. She also wanted to address issues such as parking and other courthouse issues. We put her on the agenda straight away and that's what will continue to happen. On the electronic monitoring issue, just so you know, I completely understand and appreciate on the basis of the County Manager's presentation that the County's gone from a position of a modest surplus in your EM budget to now a very substantial deficit and that has occurred in a fairly short period of time. There are three or four things I think the judges can do to help address that problem and what I've done is I've tasked Judge Pfeffer and Judge Mary Marlow Summer, the two judges that are primarily responsible for our criminal docket and the ones that are involved on a daily basis with ordering the EM. I've tasked them to meet with whatever representatives of the County that are designated either by the Commissioners, the County Attorney or the County Manager to see about addressing those issues.

What I've also told my judges is we need to stop ordering the Cadillac electronic monitoring in every case to the extent that's being done. What do I mean by that? Of course the monitoring that has the GPS capabilities is well over \$10 per day. Is that necessary? Well, in some cases of course it is. When you have an alleged serial rapist. When you have an alleged burglar. When you have an alleged robber or serial robber. You want to make sure you know where those defendants are at all times, every day and during the night. Is that kind of expensive monitoring necessary in every case? It's not. For example, you get a young juvenile into the system for the very first time on a shoplifting charge. They don't need the Cadillac electronic monitoring. They can get buy with the very least expensive EM, which is basically just over \$2 a day. And so I've asked the judges to be very sensitive to that and order electronic monitoring only as it is necessary for the particular needs of the case.

They're going to meet with the County to go through different aspects of that. The other thing I've asked my judges to do is to be very aggressive in having the criminal defendants pay a portion or all of the EM fees. That unfortunately was a policy that looked good on paper but it wasn't being done in the trenches. And so I've asked my judges who've handled the criminal dockets to be much more aggressive in making sure they're collecting these amounts, the maximum amounts possible from the defendants that are being monitored. So that will basically help cut down your costs.

And the other thing is having a tier, various tiers of electronic monitoring keyed to the income of the defendants. We have a very sophisticated program that we go through. When somebody comes in, for example, and asks for free process, well we ask them what their income is and go through the income. So we have a schedule for various levels of income and we can share that with you. And I've asked Judges Pfeffer and Marlow Summer to share that information with your County Manager and your County Attorney, so that we can come up with a graduated scale that will basically shift the costs from the County to the defendants more. And so I think those three combinations, the net effect of that will be to lower your deficit by a very substantial amount on the electronic monitoring.

Your County Manager came to us with issues regarding parking and whether we would support the parking for the public and I understand there's going to be approximately 40 spaces at the courthouse allocated to the public. Whether we would support that parking being metered, that is having the general public pay for that and our response, the unanimous response from the judges was yes. Clearly, when all the judges went out into the community

part and parcel of the community speeches that we made in support of the bond issue was that the public would have public parking. Well, of course parking is never free. We never promised that the parking was going to be free. A reasonable member of the public would expect and we would completely support the metering or whatever aspect the County would seek to put in place to get the parking metered in the courthouse to the extent that it's for the public parking. And of course that would generate some income for the public on a monthly and annual basis. So we're supportive of that as well.

So those are some examples of us having an open door policy when ever the Commission or the County Manager or the County Attorney thinks they need input from the courts or assistance from the courts that we can give you. I have a completely open door policy and the court has an open door policy.

COMMISSIONER ANAYA: Madam Chair, Chief Judge, thank you for those responses. I want to rearticulate that we've had a good relationship with former Chief Judge Vigil, now Justice Vigil, and all of the chief judges and the judiciary. The issue associated with fixed furniture and obligations of the County is still a concern but I think those are things that if we continue to expand that dialogue and look for ways to offset how we can more efficiently work together I think that helps the courts that I know are strapped already but it also helps the Commission and the County in dealing with our funding choices that we have to make on a regular basis. But I thank you for the time.

Madam Chair, Chief Judge Ortiz or Ms. Miller, the resolution references \$250,000 and Commissioner Holian reflected \$328,000. Is that \$328,000 including resources that we've already committed? Or I guess I'm confused. The resolution states \$250,000.

CHAIR STEFANICS: We would have to have an amendment, Commissioner Anaya, to change the amount and the \$328,000 that Commissioner Holian was referencing was from the spreadsheet the courts gave.

COMMISSIONER ANAYA: So, Madam Chair, Ms. Miller, that's the other thing. In all honesty and respect, Chief Judge Ortiz, we keep having these conversations and the target keeps moving. So Madam Chair, Ms. Miller, talk to me about the resolution that has \$250,000 and the additional items so we can better understand it. Because it seems –

CHAIR STEFANICS: Commissioner Anaya, the resolution came from me and I can explain the \$250,000. And this was some of my comments after everybody spoke but I will do it now based upon your question. First of all, the Attorney General's opinions have made it clear what our role is and the Association of Counties – we are a member of the Association of Counties. And the Association of Counties has implored us to hold the line on setting precedent here. And therefore we haven't really brought this issue to a vote before now. We were prepared to try to deal with security and IT measures but the Board of Finance did that and more or less pre-empted some of the money we would have provided.

In the meantime, the court of public opinion has decided that we aren't stepping up to the plate, so I wanted to give us the opportunity to discuss whether or not we want to partner with the state Board of Finance to provide a matching amount to what the Board of Finance did, specifically to something we could call items related to security, thereby being permanent fixtures. I'm not supposing that this measure will pass or fail. I'm bringing it forward for discussion to determine how the Board of County Commissioners wants to

participate or not. We are at the end of the year. It's not like we have money sitting around for this. We will have to take the amount of money from some place else.

So the amount of money of \$250,000 was to show a good faith effort at partnering with the state, and that's how the amount came up. Anything else, Commissioner?

COMMISSIONER ANAYA: No, Madam Chair.

CHAIR STEFANICS: Thank you, Commissioner Vigil.

COMMISSIONER VIGIL: Actually, one of the benefits we don't have is when we get these kind of recommendations most of the people who have done the groundwork on this, for example our County Manager, there's no process for her to make a recommendation, so I'd actually like to ask Ms. Miller what her experience has been in the process of this and what her recommendation would be. That bears a lot of weight with me. The other thing I wanted to underscore is I agree with Commissioner Stefanics. The messages I'm getting is what is this big building sitting up there doing nothing? The backlash that we may receive from the community as a result of it staying empty for the length of time that creates the potential without this funding concerns me.

Katherine, without you – I want to know what your experience has been in trying to create a resolution with this.

MS. MILLER: Madam Chair, Commissioners, Commissioner Vigil, I've spent a lot of time in discussions, a great many areas of discussion with the Legislative Finance Committee, with legislators that have been also trying to work with the executive on getting funding in the interim, with the judges, with the AOC staff, with our staff, where we are in the project in total, with bond counsel, with the City even in trying to explore with them reduced costs on parking that we'll incur, to actually find a way to actually come up with some funds to resolve this problem.

I think as everyone agrees that we're really in a difficult situation of not wanting to set the precedent for counties. I've also talked to the Association of Counties and even talked to them about this issue of secured furnishings and that. So I think – I also spoke to the judges and the AOC about do you really need everything that has been asked for? Is there anyway we could pick up a chair for you and bring it over? Anything that we could do. I think we are getting closer and closer to that number which maybe everybody can put something in because as Judge Ortiz said, they have really come down I think. The state has brought some funding in through the Board of Finance. I think the resolution to try to bring some funding from the County towards it, whether that's the \$250,000 or the \$328,000, that is your decision. I think though that we are getting right about to the number that we need to be in order to actually make this happen.

We've worked with the contractors as far as the construction. It does look like it will slip into January which is probably a beneficial thing for us. There's some things based upon the last minute changes which will be financially beneficial to us on the project. So my hope is that we could come up with a resolution today that would actually make it so that all these pieces fall together and that they would be able to occupy it in February.

COMMISSIONER VIGIL: Thank you. Thank you, Madam Chair.

CHAIR STEFANICS: Thank you, Commissioner Mayfield, do you have anything?

COMMISSIONER MAYFIELD: [inaudible] First of all, your honor, thank you for being present. I'm sorry I'm not there in person [inaudible] My question is for [inaudible] we are due to take occupancy come the end of December, first of January?

CHAIR STEFANICS: Okay, Mr. Hogan is coming up.

COMMISSIONER MAYFIELD: Thank you.

CHAIR STEFANICS: And we have you directly on the microphone.

COMMISSIONER MAYFIELD: Thank you, Madam Chair.

MARK HOGAN (Projects & Facilities): Madam Chair, Commissioner Mayfield, the December 20th occupancy date, the contractors requested that be extended to January 18th, so part of that is due to some of the changes that are being incorporated right now and some of that is also due to the installation and the wiring of some of the furniture and the big furnishing that are being discussed and the two grants, both from the state and from the County.

COMMISSIONER MAYFIELD: Madam Chair, Mr. Hogan, [inaudible] warranty work for the County. Does that start immediately or do we get a reprieve if we don't occupy that building?

CHAIR STEFANICS: Warranty work, when does it start?

MR. HOGAN: The warranty will start on the date of substantial completion and that would be January 18th at this point.

COMMISSIONER MAYFIELD: Madam Chair, that's part of my concern that we have an unoccupied building and we have warranty working starting and [inaudible].

CHAIR STEFANICS: Could you repeat that, Commissioner?

[Commissioner Mayfield's remarks were substantially inaudible due to the poor quality of the telephone connection.]

CHAIR STEFANICS: The resolution reads up to \$250,000 in funding for the purchase of secured furniture and fixtures. Are you asking whether the County would own this or take care of it maintenance-wise?

COMMISSIONER MAYFIELD: Maintenance.

CHAIR STEFANICS: Maintenance. Mr. Hogan? Ms. Miller?

MS. MILLER: Madam Chair, Commissioners, I would highly recommend we not maintain it, that this would just be put in and that we would acquire it, fix it, and but then over time it would transfer to the courts themselves and if it needs replacing they would replace it.

CHAIR STEFANICS: Did you hear that, Commissioner?

COMMISSIONER MAYFIELD: Just the very end, Madam Chair.

CHAIR STEFANICS: She's saying that she would not recommend our maintaining it and that the fixtures would be turned over to the court's property after –

COMMISSIONER MAYFIELD: Okay. And then, Madam Chair, also [inaudible]

CHAIR STEFANICS: Thank you. Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, a couple questions maybe for Steve Ross and we have the Chief Judge here, he may be able to help us with the legality of it. A different perspective – we're talking about a resolution – and I completely appreciate the chair's comments associated with the Association of Counties and setting a precedent, and I

already made remarks to that. Setting that aside for a moment, we as a governmental entity, government to government, without a statutory obligation can provide resources to any governmental entity, correct?

MR. ROSS: Madam Chair, Commissioner Anaya, yes.

COMMISSIONER ANAYA: So I would like the Commission and us to maybe think of this in a different light. I would like instead of making a direct association to statute, I would like to make a de-association from statute and say explicitly in a resolution if we are to consider a dollar amount, that we through legal language articulate that this is not in any way construed as an obligation or responsibility by statute but rather an investment, is the way I'd use it, in the completion of the courthouse, so that we can occupy it. So Steve, can you help me figure out some language in a resolution? It could be this resolution, that we modify it to expressly point out that this is not a connection in no way to our statutory obligation, but if the Commission so chooses is an investment in furniture and fixtures to open that courthouse and move past this so that we could have other dialogues and communications with the courts about other ways that we can garner efficiencies. Is that something that we could do? What language can we craft so that we separate that this is not in any way linked to the responsibility that counties statutorily have for this piece of the contribution.

MR. ROSS: Madam Chair, Commissioner Anaya, we can certainly do that. That's not a problem at all. I could work up some language fairly quickly. Judge Ortiz suggested another concept which we could pair with that to make it clear to other counties going through this that, number one, this stuff is fixtures. It's part of building the courthouse, and number two, that we have an independent means via ensuring that the courthouse is properly configured for use. I can put some language together. It sounds like a couple whereas that we would add to the resolution would do it.

COMMISSIONER ANAYA: So, Madam Chair, Mr. Ross, I don't want – and just based on the feedback and the input I've received from the Association of Counties in agreement with what our chair said, Commissioner Stefanics. If we're going to go down this road in the interest of opening the facility and getting that facility occupied and conducting business, then I don't want any connection to state law whatsoever on this piece. I would like to disassociate it with our statutory obligation, do so in a legal, binding way so that when our counterparts in other counties are faced with a situation that it's strictly based upon whether they have a desire or the availability of resources to be able to do that, with no connection whatsoever.

I think, Madam Chair, that we've all felt the frustration of the issue but at this time I would like to figure out how to move forward and beyond it and that would be the way I think I could deal with it if that's something you would accept as a potential friendly amendment.

COMMISSIONER VIGIL: Madam Chair, on that point.

CHAIR STEFANICS: Yes, Commissioner Vigil, on that point.

COMMISSIONER VIGIL: I actually have a recommendation and this is why it actually – I was going to make a statement as to why I support this. But this might meet your needs, Commissioner Anaya, and help you out, Steve Ross. I do believe this is a public safety, a public welfare and a public benefit issue. It is the public who stands to gain from us

as elected officials stepping up to the plate. So my recommendation is that we do remove any reference to state statute. I haven't seen it yet; I'm happy to have somebody point it out to me. But the whereas should be: Whereas, in the interest of public safety, public welfare and the overall public benefit, we therefore resolve to support a \$328,000 – or whatever the balance is. \$328,573.33. Our role, above anything, is to look after the public benefit, the public interest and the public safety. This was the focus for building this building. Public safety was really the benchmark that started moving forward with this. So I think – I'm not sure that satisfies your –

COMMISSIONER ANAYA: Madam Chair.

CHAIR STEFANICS: On that point, Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I think I could accept that. I would just ask that we add an additional reference or line, either yourself or Steve Ross or a combination of people that would specifically reference that this is not associated in any way or linked to Santa Fe County or any other county's obligation. I like it, Madam Chair, Commissioner Vigil, but if we could add something to the end of it that accommodates that piece and I would accept that and move that as a friendly amendment. I guess it wouldn't be a friendly; it would be a straight-up amendment. I'd move it as an amendment for consideration to the full amount.

CHAIR STEFANICS: Could we have a repeat of the amendment please?

COMMISSIONER VIGIL: Oh, I'm sorry. I thought Steve was going to do it.

COMMISSIONER ANAYA: Madam Chair, I also – I applaud the chair bringing this forward, so relative to the actual amount, I guess I'm not ready to go with a specific dollar amount. I'd like to hear the amendment because I think that all Commissioners on this particular issue have worked hard to try and accommodate and find middle ground and I would hope that all five of us would find an amount that would fit the complete palate of the Commission, all five of us. So if we need to have more discussion, let's have it but I think we should discuss the actual amount further.

CHAIR STEFANICS: Do we have language for the amendment?

MR. ROSS: Madam Chair, I've got something that's probably not all that artful because of the time but let me try this on. Whereas, counties are empowered irrespective of any statutory obligation to provide assistance to other governmental entities such as the Administrative Office of the Courts, and equipment and furnishings for the Steve Herrera First Judicial District Courthouse could be purchased by the County and surplused to the judiciary at the County's election as is customary with law enforcement and fire equipment. And then you would add Commissioner Vigil's final whereas, her amendment as the final whereas.

COMMISSIONER VIGIL: And Madam Chair, you asked for the reading back, that would read: Whereas, in the interest of public safety, the public welfare and the overall public benefit, Santa Fe County therefore moves to resolve that the Board of County Commissioners... and that would go to the final.

COMMISSIONER ANAYA: Madam Chair.

CHAIR STEFANICS: Yes, Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I'd move the amendment for \$275,000.

CHAIR STEFANICS: Okay, so there's an amendment and an amount. Is there a second?

COMMISSIONER VIGIL: Madam Chair, aren't we taking action on the first amendment? The amendment to the language first?

CHAIR STEFANICS: The initial mover of the amendment was Commissioner Anaya, and then you added language. He added the amount to his amendment. So do you want to divide the question first?

COMMISSIONER VIGIL: I think that we probably should divide the question.

CHAIR STEFANICS: Okay. So let's divide the question. The amendment with the language, and let's please repeat the language, not the amount, just the language. Steve and Commissioner Vigil.

MR. ROSS: Madam Chair, an additional whereas that provides as follows: Whereas, counties are empowered irrespective of any statutory obligation to provide assistance to other governmental entities such as the Administrative Office of the Courts, and equipment and furnishings for the Steve Herrera First Judicial District Courthouse could be purchased by the County and surplused to the judiciary at the County's election as is customary with law enforcement and fire equipment.

COMMISSIONER VIGIL: Mine would read: Whereas, in the interest of public safety, public welfare and the overall public benefit, now therefore be it resolved that the Board of County Commissioners of Santa Fe County hereby authorizes...

CHAIR STEFANICS: So, Commissioner, you're all right with that first?

COMMISSIONER ANAYA: In the interest of compromise I would move that as a separate amendment.

CHAIR STEFANICS: Okay. And there is a second, right?

COMMISSIONER HOLIAN: I'll second that.

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

CHAIR STEFANICS: The second amendment, Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, in the interest of compromise and balanced ground and hopefully a consensus of the Commission, I would move \$275,000 towards this end.

CHAIR STEFANICS: Is there a second to that?

COMMISSIONER MAYFIELD: I second, Madam Chair.

CHAIR STEFANICS: There is a second. Any further discussion about that amount?

COMMISSIONER VIGIL: The problem, Madam Chair, that I see with that is there are some dollars that are missing to complete the move; that's probably going to come back to us anyway. So I don't know why we're not taking action on the full request today.

COMMISSIONER ANAYA: Madam Chair.

CHAIR STEFANICS: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, Chief Judge Ortiz, give the discussion and the work of the Commission and our interest to in essence take on a different

responsibility that we haven't, is this something that you guys could make work? Because I surely would not have the palate to come back to this again and again. So I guess I'm asking you, Chief Judge, can you make this work for us?

JUDGE ORTIZ: The short answer is no. And I apologize for being so blunt with that answer but I think the County Commission deserves some straight and unvarnished answers. That's why I prefaced my earlier remarks with the comment that we've come down from \$3 million to \$1.3 and now we're well below \$1.3 as we come before you because if we get the full \$328,000, plus the \$250,000 that we received from the Board of Finance, and the amount of money we expect to receive after all from AJID and AOC, we're not even at the \$700,000 that the judges have collectively decided that we need to move in, because that \$700,000 is itself down from \$1.3. We'd just like the Commissioners to realize how much the court has come down from its original \$3 million figure to a \$700,000 range.

I've got to be able as the chief judge to promise you that we can deliver judicial services to the general public and be able to move with the amount that we're presented with and with \$275,000, we're still basically short \$50,000. And I don't know where I can get that. I can go back to the Board of Finance but if I read the tea leaves correctly, they're not going to give us any more money. I've already had some very direct and spirited conversations with Artie Pepin, the head of the AOC, very direct and spirited conversations with the head of Judicial Information Division and they're indicating they don't have any more money; they're tapped out.

So they're tapped out. The court's tapped out. The Board of Finance has indicated there's no more ability, so I don't have any way to generate those additional funds to move in. So that's the reality.

CHAIR STEFANICS: Commissioner Anaya, then Commissioner Holian.

COMMISSIONER ANAYA: Madam Chair, Judge Ortiz, respecting your challenges I would hope that you could respectfully respect ours and I would just say that I believe that when we came in with a proposal we were at zero. This is a large progression if approved towards opening this courthouse and I would hope that this doesn't continue if this passes to get perpetuated in the media and I hope we move on and I say that respectfully. Thank you.

CHAIR STEFANICS: Thank you. Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Madam Chair. Commissioner Anaya, I just want to say that there has been compromise, a lot of compromise on the part of the judicial complex and the judges with regard to this. And I really am very comfortable with going with the full amount that they ask because I feel that it's important to move forward. And it's a very small difference between \$275,000 and \$328,000. So I would really like to see the higher amount. And to start putting this behind us.

CHAIR STEFANICS: Any further comment before we vote on the amendment? Even after we vote on the amendment, if it passes, we still have to go back to the full resolution. Okay, so the amendment is for \$275,000. Commissioner Mayfield, are you there?

COMMISSIONER MAYFIELD: I'm here, Madam Chair.

CHAIR STEFANICS: Okay.

The second amendment passed by majority [3-2] voice vote with Commissioners Anaya, Mayfield and Stefanics voting with the amendment and Commissioners Holian and Vigil voting against.

CHAIR STEFANICS: We are now back on the amended Resolution No. 2012-165, twice amended. Is there further discussion?

COMMISSIONER VIGIL: Madam Chair.

CHAIR STEFANICS: Yes.

COMMISSIONER VIGIL: I move we authorized the County Manager to sign off on the \$275,000 that action was taken on for furnishings for the judicial complex.

COMMISSIONER HOLIAN: I'll second that.

CHAIR STEFANICS: Okay. Is there further discussion?

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

CHAIR STEFANICS: Thank you to the judiciary for attending today.

XI. D. Growth Management Department

1. Request Approval of Amended and Restated Affordable Housing Agreement for La Entrada Phase 1 Between Santa Fe County and Univest-Rancho Viejo, LLC

STEVE BRUGGER (Affordable Housing Coordinator): Madam Chair, Commissioners, we discussed this item at the November 27th BCC Affordable Housing meeting. There were some issues that had come up. Six primary issues. One was making sure that this agreement was consistent in its language with the La Pradera agreement which is also on the agenda. Second item, there was a concern about the impact of homeowners association dues affordability. Third issue, there was a concern expressed about the impact of this on long-term affordability. Fourth issue, there was concern on the proposal that a non-profit hold the affordability lien that the County has been holding under this program. The fifth issue had to do with the impact of this proposal on homebuyer equity. And the sixth had to do with multiple liens which could be introduced into a typical affordable housing transaction.

Since the November 27th meeting staff has met with Commissioners individually, with developers, to try to address these concerns. As a result of this we have the affordable housing agreement with some revisions that's in your packet. The focus has been on the Section 12 primarily, the affordability lien and maintenance of long-term affordability. The first thing that we did is we made a few minor edits to make this agreement consistent with the other agreement on the agenda and I think we've done a good job of that.

The second item had to do with the high homeowner association fees' impact on affordability and Section 6 in this agreement, we, as you may remember, had established a limit of \$100 per month for homeowner association fees. If there are HOA fees proposed in excess of that \$100 we would require as part of this agreement the principal and interest payment to be reduced proportionally. If they go any higher the principal and interest

payment would have to be reduced by \$20 more and then reflect that in the mortgage and the price that would be charged for that affordable home. That would have a significant beneficial impact to the homeowner.

The impact of this on long-term affordability, what we had discussed that's in here is if the non-profit is able to hold the lien as we propose there would not be a ten percent reduction in the lien amount as is in effect in our current ordinance, 2012-1. There would be a plus for long-term affordability. Also what we have added to this agreement is that in the event that the non-profit ever – that this lien is paid off, that the soft part of the lien would be used for affordable housing programs. At the end of my presentation I would like to make a one word language change on this Section 12 toward that end that had been pointed out by one of our applicants.

The concern on the non-profit holding the lien, where we have tried to address that is to put forward a limit on the amount of the lien that the non-profit can hold equal to three times the cap of subsidy that it uses to subsidize the transaction with the homeowner. That three times wasn't pulled out of the air. It was based on a type of investment analysis that we had done as far as which factored in a typical holding period for this loan and for affordable home, the earliest time period that it could get paid off, recognizing a return that any organization, even a non-profit would demand on an initial investment. As a result of that and equations which I would love to get into but I would not at this point we came up with the three times factor.

The impact on homebuyer equity, there is one beneficial impact that would help on that and that relates to if the non-profit holds the lien rather than the County there would be no shared appreciation measure, which currently under our rules we share appreciation with the homeowner based on the portionate amount of money that the County puts into the transaction. It's reduced by ten percent per year over a ten-year period but if the non-profit holds the lien, through the language that we have in Section 12 there would be no shared appreciation. The homeowner would realize the entire gain from a future sale.

One other item to note here is with the limit on the non-profit lien the maximum amount of lien that it can hold, first we have introduced a formula here that states how the lien would be calculated, and if that is in excess of the maximum amount that the non-profit can hold that difference would be retained by the County in a separate, subordinate lien. So that is another lien but we wanted to try to address the issue of the non-profit holding the lien and the limits to doing that. I think we've done a fair job of it here.

A final word, if you could look on Section 12, it would be the seventh line up from the bottom where it says shall upon payoff of this subsidy loan – this again speaks to the proceeds of the non-profit cashing in the affordable lien – that upon payoff of the subsidy loan this be committed to affordable housing. It says subsidies right now. We'd like to replace the word subsidies with programs. One word change. With that, I conclude my presentation on this item. Thank you.

CHAIR STEFANICS: Thank you very much, Mr. Brugger. Questions, comments from Commissioner?

COMMISSIONER ANAYA: Madam Chair.

CHAIR STEFANICS: Commissioner Anaya.

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COMMISSIONER ANAYA: Madam Chair, Mr. Brugger, I appreciate your efforts in working on this. The one area that you and I did talk about that you didn't touch on was the 95 percent of appraised value and my request to look at that and the reason that I wanted you to look at that was I was a proponent of the deferral of mortgages when you had a subordinate mortgage deferring ten percent over time. And some of the tradeoffs of no shared equity help, but I also offered up a discussion on the percentage of appraised value. Can you give me some feedback as to what you discovered on that item?

MR. BRUGGER: Madam Chair, Commissioner Anaya, Commissioners, I'd love to. As you know, the current regulations require the price to be set at 95 percent of appraised value and this agreement that we have here we're a little less prescriptive; we offered a range between 95 percent and 100 percent of appraised value. What Commissioner Anaya and I had talked about was can we either come back to the 95 percent of appraised value or go further to have the price set even below the 95 percent. I had discussed that item not with this applicant but with the second agenda item coming up and it wasn't positively received so I left the language here so we could discuss it if it came up at this meeting. So here we are.

COMMISSIONER ANAYA: Madam Chair, Mr. Brugger, talk to me about what you're saying now because I didn't get that in our discussion. It's probably my fault, but you're saying that the range from 95 up to 100 now? I didn't get that in our discussion. I'm not so sure I'm comfortable with that, so help me understand what you're after there and Mr. Thompson wants to comment I'd like to hear from him as well.

MR. BRUGGER: The language here in Section 12, probably in the middle of the section, that there's a range within which the applicant can set the price, which is between 95 percent and 100 percent of appraised value and in the regulations it was at 95 percent. So we were being less prescriptive on that, which again, it's not to say it would be 95, 96, 97, but it represents a change. If I didn't make that clear enough in our discussion my apologies. And the impact of that is that by not setting it at 95 percent it could very well be an impact on homebuyer equity upfront. And the effective impact would be on the amount of lien that the non-profit could have.

COMMISSIONER ANAYA: Madam Chair, Mr. Brugger, I'm not picking on you but part of the reason for having the 95 percent of appraised value was so that the buyer would have some immediate equity from the get-go and we're talking about affordable housing buyers. So do you see that as a direct benefit or not? I do.

MR. BRUGGER: Madam Chair, Commissioner Anaya, Commissioners, setting the price at 95 percent of appraised value is a direct benefit to the homebuyer and that would provide for additional initial equity.

COMMISSIONER ANAYA: So Madam Chair, Mr. Brugger, what would be the determination of the fluctuation from 95 percent to 100 percent?

MR. BRUGGER: Madam Chair, Commissioner Anaya, Commissioners, what that does is besides being less prescriptive and you had to do, you have to hit this number, the other impact is that it would – the amount of affordability lien that could be imposed could be higher than what is currently allowed.

COMMISSIONER ANAYA: Madam Chair, Mr. Brugger and if Mr. Thompson or anybody else wants to comment, what if we didn't have a calculation on what

the non-profit could carry back? If we took that provision out and didn't cap it, which is basically what you've done, right? You've provided a cap of what the non-profit can carry back in lien. What if we took that out and then had a reduced sales price percentage, or a sales value? What if that was 93 percent and we didn't have the provision or the cap that you have that's in it right now?

MR. BRUGGER: Madam Chair, Commissioner Anaya, let me start and see if I follow. First, whatever the cap is we want some kind of a cap on the price, and then on the lien amount so – I'm not saying anybody would do this but we wouldn't want the lien amount to extend beyond what the appraised value would be so we want a cap. It's just a matter of what that cap is, whether it's a number, where the number is, or whether it's a range. In here the limit is the contract sale price, and our limit on contract sales price is 95 percent to 100 percent of appraised value. So whether that's 95, 95 to 100, 93, that's part formula, part policy. I don't know how far I've gone to answer your question but I'm trying.

COMMISSIONER ANAYA: Okay. I think I'd like to listen to my colleagues, Madam Chair.

CHAIR STEFANICS: Thank you. Commissioner Mayfield, are you still on the phone? Okay, I think we've lost him. I don't have any issues or questions with this because I spent some time on it. Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Madam Chair. I just have a couple of quick questions. First, about the liens. I just wanted to ask either Steve or Warren Thompson, with regard to designing the homes to HERS 70, how will we know that that's the case? And then I guess the other question is once they are actually built, will that be verified in any way?

WARREN THOMPSON: Madam Chair, I'd defer that question to Cass if I could have him come up and answer that. He could do a better job than I could.

COMMISSIONER HOLIAN: Thank you.

CHAIR STEFANICS: And if you could please introduce yourself for the record.

CASS THOMPSON: Cass Thompson, Rancho Viejo. Madam Chair, Commissioner, what we would propose for that is to have a setup of what we would do to create a HERS 75 rated house for our building plan that we would submit to the affordable housing director, and with that we would follow that plan to keep us to those specs to get us to that energy rating. And we would have tests throughout but we wouldn't recommend to have it rated as a HERS 75 but we would be tested to meet those standards.

COMMISSIONER HOLIAN: Actually, it says HERS 70.

MR. C. THOMPSONS: Okay. HERS 70. Whatever the rating would be.

COMMISSIONER HOLIAN: So at the end when you actually build – I imagine you only build a certain number of models so if you sort of showed that one of the models, a model, met the HERS 70 then it seems to me that it could apply to the others. So I was just wondering if you were planning on doing any testing.

MR. C. THOMPSON: Yes, ma'am. We would be testing as we go.

COMMISSIONER HOLIAN: Okay. Great. Thank you. And I just want to add that I'm all right with the rest of the provisions in here.

CHAIR STEFANICS: Okay. Thank you. Any further questions? Yes, Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, Mr. Brugger, you and I spent a lot of time and we had a lot of conversations and discussions and I know that the people sitting behind you are ready to move on, but I wanted you, before I make a motion and I'm going to make one, but I want you to restate what we're doing here again, for the record and for the public. Because we came and were approached by the gentlemen and the people sitting behind you associated with the difficulty in the economy, the need to produce units and the need to try and reinvigorate things to make it feasible, profitable, but also make it accommodate affordable housing needs. So I want you to restate what this does and affords in this case, this development the ability to do what they couldn't do before.

MR. BRUGGER: Madam Chair, Commissioner Anaya, Commissioners, what this amended and restated affordable housing agreement does in this section in particular, in the affordability lien is that it allows a non-profit to hold the lien for – that the County had traditionally held, affordability mortgage and lien. Part of this lien would be hard money, cash money that the non-profit puts in. Part of it would be soft – the difference between the size of appraised value and what the homebuyer actually puts forward in money from their first mortgage with a cash down payment. By allowing the non-profits to hold the lien rather than the County is viewed as an incentive for the non-profit to put forth money to subsidize the transaction which can make the affordable housing work and make production continue. We haven't had recent production that's complied with this program recently. We view this incentive as a way to promote production of the affordable housing.

COMMISSIONER ANAYA: Madam Chair, Mr. Brugger, and it reduces the affordability requirement from 30 percent to 15 percent.

MR. BRUGGER: And with this agreement, yes. The rest of the agreement, it reduces the affordability requirement from 30 percent to 15 percent, which reduces the number of units from 137 to 68. Yes.

COMMISSIONER ANAYA: Because units aren't moving and we're trying to augment and entice more production and actually build out units and actually sell them to affordable buyers.

MR. BRUGGER: Commissioner Anaya, that's absolutely true. Part of – by reducing the percentage from 30 percent to 15 percent it's in recognition of the downturn in the economy and the real estate prices which has diminished developers' ability to provide internal subsidies for affordable housing from market sales. When you can't sell the market units for as much as you used to there's not as much to shift over to subsidize the affordable units. That requires the percentage to go down or the affordable housing prices to go up or a combination of both. If that's not done nothing happens and there's no production.

COMMISSIONER ANAYA: Madam Chair, Mr. Brugger, along with this, if these agreements are approved, we're working on alternative means of compliance, we're working on affording developers the opportunity to do multi-family housing and other types of housing that you're going to be coming back to us with with other regulations to broaden and expand the scope of affordable housing options that developers have to them to fulfill the requirements of the County. Correct?

MR. BRUGGER: Madam Chair, Commissioner Anaya, that is correct. We intend to come back with a larger ordinance and regulation change in the first quarter of next year.

COMMISSIONER ANAYA: Thank you, Madam Chair. Move for approval.

COMMISSIONER HOLIAN: Second.

CHAIR STEFANICS: Thank you. Is there any further discussion?

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

CHAIR STEFANICS: Before we go to the next item I'd like to let the public know that we have five more items before we can possibly get to any land use cases. We will roll our executive session to the very end of the land use cases, but if you're here for a land use case it could be a half hour to an hour before we get to you.

Secondly, XVI. A. 1 of the land use, Mr. Tavelli Master Plan Extension, sent us a written request to table until our January meeting. Just so you know. So when we start the public hearing on Growth Management we'll be starting with XVI. A.2 but we have five items to complete before then. Thank you.

XI. D. 2. Request Approval of Amended and Restated Affordable Housing Agreement for La Pradera Between Santa Fe County and Gardner Associates LLC and La Pradera Associates, LLC

MR. BRUGGER: Madam Chair, Commissioners, this amended and restated agreement would take the place of previous agreements and amendments that have occurred 2004 to 2010. It reduces the percentage affordable from 30 percent to 15 percent for the master plan amendment that was approved in September of 2011. The rest of the prior La Pradera approvals were made under the Community College District Ordinance and regulations and what this does is it brings the entire development under the umbrella of this 2006-02 ordinance and the 2012-1 Affordable Housing Ordinance rather than continue to operate under the Community College District Ordinance. It will make it much easier to administer the program and for the developers to operate just using one set of ordinance and regulations rather than two.

For the rest of the agreement it's essentially the same issues with this, given that these agreements are consistent with one another, so I won't go over the six issues that we've addressed, other than again restate that the one-word language change in the Section 15, line 7 from the bottom, instead of affordable housing subsidies we have affordable housing programs that this applicant had brought forward and requested changed. And other than that, that concludes my presentation on this item. Except for one thing.

CHAIR STEFANICS: Yes.

MR. BRUGGER: If I may, I want to hand out an Exhibit B. For consistency's sake we wanted to have a map that's identifying the location of the lots. We had the numbers of the lots in Exhibit A, but we just had the map on the master plan that shows the location of

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the affordable lots which I'd like to hand out and have this incorporated into the agreement on the record. [Exhibit 4]

CHAIR STEFANICS: Thank you. Anything else, Mr. Brugger? Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, this duplicates the last agreement and brings parity to the discussion that we treated all parties equitably, so I would just make that comment and move for approval.

CHAIR STEFANICS: Thank you. Is there a second?

COMMISSIONER HOLIAN: Second.

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

COMMISSIONER HOLIAN: Madam Chair.

CHAIR STEFANICS: Yes. Commissioner Holian.

COMMISSIONER HOLIAN: Madam Chair, Mr. Brugger made a suggestion for a word change. So is that included in your motion?

COMMISSIONER ANAYA: Yes. The word change is included in the motion.

CHAIR STEFANICS: Okay. Any further questions or comments? Okay.

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

CHAIR STEFANICS: And that includes the inclusion of the map that was given to us. Thank you very much. You have an agreement.

XII. MATTERS FROM THE COUNTY MANAGER

A. Update on the Procurement Process

CHAIR STEFANICS: This was asked for I believe by Commissioner Anaya.

MS. MILLER: Madam Chair, yes. In our Housing Authority Board meeting we had a couple discussions on the procurement process and we thought it might be beneficial for it to be brought forward to the full Commission in the Commission meeting so a broader range of individuals could understand what we're doing in order to try to streamline this procurement process, what stuff is taken and what stuff we're still working on.

CHAIR STEFANICS: Thank you. Welcome, Mr. Taylor.

BILL TAYLOR (Procurement Director): Thank you, Madam Chair, members of the Commission. I appreciate the opportunity to talk a little bit about our process and some new –

CHAIR STEFANICS: Before you continue, I just want to repeat for the public, we have about five items before we get to the public hearings on growth management and land use. We will put the executive session to then of this evening's meeting. So it will have a half hour, 45 minutes, an hour before we get to the growth management. Mr. Taylor, please proceed.

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MR. TAYLOR: Thank you, Madam Chair, members of the Commission. Again, I want to take this opportunity to thank you for giving me the opportunity to talk about our process and improvements that we've implemented in going forward. As you know, we deal with procurement and expenditures of public funding. The County has adopted ordinances to follow the state procurement code through all of these purchases and our goal is to present – make our procurements fair and equitable to all parties and to the public so they can participate. This is a share the wealth, so to speak. But it is a process and our goal is to provide customer service to our County agencies and our elected officials.

The process – I will not get too much into the details with the process, the projects, where they're at, and a lot of times the response is, well, it's at purchasing. With that said I want to kind of give you an idea of what that involves. When a project is initiated for procurement it is submitted to purchasing where we assigned a contract number, put it into our database and then we work with the agency to work on the scope of work, identify the need, so that we can find the best value for the County.

Depending on the value of the procurement – under \$5,000 is a small purchase. We can usually turn around a PO within 24 hours. \$5,000 to \$10,000, with the proper documentation and three quotes, we can turn one around within that same time period or 48 hours. When you get above \$20,000 then you're talking about the invitation for bid and request for proposal; that requires a lot more due diligence and documentation, legal review and financial review and approval. So when they say – when you hear it's at purchasing, we are the entry of initiation of a project. There are other departments, divisions that also have to look at budget. We have to look at legal form from the Legal Department and so we can process things very quickly.

When you get up to – I mentioned 24-hour turnaround for a PO for small purchase, that ranges from 24-hour turn around up to 75 days for a formal invitation for bid for processing.

So those are our goals and our targets, to beat those 75-day timelines. What gets in the way some times as you all well know is other time-sensitive and priority items come in that shift the first-in, first-out process. And so some things may take longer than 75 days if we do an ad hoc, special process to finalize and execute a procurement.

But with that said, I think that some of the things that wanted to talk about that we've improved on is working and providing this customer service for customer County agencies and elected officials. So we have collaborated with these agencies. I meet weekly with Public Works on lots of projects learning what is coming down the pike and new processes and requirements that we need at purchasing. So we have implemented more training to our agencies, meeting on issues and projects. And we have that open communication. We collaborate on procurement. They have a job to do to implement their operational program for the public and we need to give them support and assistance in procurement to try to make it as seamless as possible and without hindrance to achieve what they need to achieve.

The staffing situation – I have six staff. We have three senior buyers that handle those larger purchases, invitations for bid and RFPs. We have two junior buyers that handle under \$10,000 procurements. Then we are bringing on board, on Monday the 17th a contracts manager. We were able to hire a very qualified individual from the Department of Finance/ Local Government and he starts Monday the 17th and we will introduce you next year when

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you reconvene. And so we're very excited about that piece because what that brings into it also is the ability to template, boilerplate our documents. The RFP documents, the IFP, invitation for bid documents, our contracts, and so that we can provide – it lessens the responsibility or workload for the Legal Division, Department for review and having to draft and restructure these documents. A lot of that is time-consuming as you well know.

And so we see a very huge opportunity with a contract manager at Purchasing to provide an ability to have a template form documents, MOUs, agreements, all of those things so that when Legal does look at it they know it's to form and we get their signature and approval on it so that that can move forward.

Again, I mentioned the training. But some of the new procurement tools that we're putting in place, multiple award contracts for construction and for design, so that the procurement code does allow us to hire – go through competitive sealed proposals for both design work, engineering, architecture and also for construction. The RFP process for construction would involve pre-qualification or qualification-based criteria, and then also a bid or cost of the project is also a portion of the RFP. You can have multiple awards as you approved today for the multiple award on these materials. We can also – we're going to implement multiple awards for contractors for a limited amount of work. You should probably – what's in the state statute for state agencies is \$500,000. There's legislation going in this legislature to try to increase that cap for construction. I'm not aware, I'm not familiar with what the amount is but they want to increase the multiple award amount to above \$500,000.

Job order contracting is another tool we want to – we haven't been able to implement yet, but that's another tool for the toolbox if you will for us to do our due diligence on acquiring a variation of goods and services that we can provide to our agencies under contract where we'll put in place where we can call up contractors to come and do work on a purchase order.

The other delivery methods of course are design-build and we want to explore that possibly for the old judicial courthouse as a delivery method on redevelopment. But there is a lot of process involved in procurement, so when you hear the response that it's in purchasing it is the tracking mechanism for the County. Every agreement that contractually obligates the County comes to the Purchasing Division. And so it's not just procurement we're doing; we're also tracking all of our documents of assigning contract numbers to them and getting them to the proper reviews and approval at Legal and at the County Manager's office and if appropriate to the BCC.

So with that, Madam Chair, I stand for any questions.

CHAIR STEFANICS: Thank you. I have a question. But first, Commissioner Mayfield are you back?

COMMISSIONER MAYFIELD: Yes, Madam Chair. I just want to thank you again and make sure I was on the air.

CHAIR STEFANICS: Right. Thank you. Mr. Taylor, do we require that construction projects either include union labor or labor wages comparable to union wages?

MR. TAYLOR: Yes, Madam Chair, Commission. Any construction projects above \$60,000 require prevailing wage. Also, with projects with HUD we have to meet the Davis Bacon Act on wages.

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CHAIR STEFANICS: I think I gave wrong information to a church this morning so I'll go back and correct myself. Okay. Questions? Commissioner Vigil and then Commissioner Anaya.

COMMISSIONER VIGIL: Thanks. One of the concerns I've had is how we can work out local preference on the RFP. Is there a way you've been able to work that into the procurement process? And how much authority do local governments have to create something of that nature that doesn't exceed what the state says but that gives us some latitude.

MR. TAYLOR: Madam Chair, Commissioner Vigil, two part question. We've implemented the preference, the County preference for professional services for architects and engineers. On that point, which would be a request for proposal, a vendor, a firm with state preference, if it's veteran's preference they could get up to 10 percent. It's a little involved with their amount of income per year. But if they qualify for the Veteran's Day preference they could get up to – anywhere from seven to ten percent preference. Plus, if they're a Santa Fe County resident and meet our requirements they can get an additional five percent. So up to 15 percent on professional services.

In construction the ordinance or resolution did not require the preference to be applied to construction, but the state does allow for both the veteran and the in-state preference for construction. So we have implemented that. Also, along with – I offer debriefs or briefings to these vendors or firms that propose on our projects to help them understand how they can better improve their response or their proposals to our RFPs. Some times five percent or even 15 percent preference does not – it gives them an added benefit but I think what's critical when the committees meet to look at the proposals is really the responsiveness and their ability to perform that type of work and that's where really the points are heavy. Fifteen points can help them, but it's really important that they understand how important their response to those evaluation criteria are. So I offer that debrief to those firms.

COMMISSIONER VIGIL: One of the things we experienced through the Buckman Direct Diversion RFP process is that the respondent had more capability and capacity to deal with a project of that size. But they also were able to identify some of the local workforce that they would be using for that project. And I'm not sure how that gets incorporated into our procurement process because a lot of what happens in a project of that volume, of that magnitude is subcontracting actually occurs. So is there a weighted system or RFP responders who have subcontractors that look to identifying local workforce?

MR. TAYLOR: In the RFP or the competitive bid process there is latitude and capability to do that. In an invitation for bid there is not. So we have the capability to procure both construction and of course professional services through the RFP and that does give you a lot more latitude to quantify or specify those type of things.

COMMISSIONER VIGIL: And does the subcontractor, if it's a local workforce subdevelopment subcontractor, does that provide for points?

MR. TAYLOR: Yes. In the competitive bid process RFP that provides for points.

COMMISSIONER VIGIL: Okay. Thank you, Madam Chair. Thank you, Bill.

CHAIR STEFANICS: Thank you. Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, Mr. Taylor, I appreciate your coming forward and as you were standing there I was thinking of all the different positions in Santa Fe County government and I was thinking of one of the positions that has the highest amount of turnaround and you're standing in it. And what I'm after with the procurement process is that it's not your fault. It's not your fault. But I think, based on my own direct experience in working through projects that things tend to get lost in the process if there's not the structures and boilerplates in place. So because I lived it and experienced it just like you have and I actually experienced it with our County Manager in working through projects, those agreements, and I'm going to look at Mr. Ross now, those agreements and where they get tracked through the system, having good sound boilerplates and then using them is so crucial to the timing of a project being on time and on budget.

I can remember being a project manager and looking at agreements and seeing the same type of project with exactly the same scope of work with two different changes and amendments from different individuals within a bureaucracy, whether it is county or state. And I want to continue to bring this up but I want to try and help you and Ms. Miller in establishing some true boilerplates that then the projects and the development staff throughout the County can rely on, that they can use that won't be changed by anyone, that there can be some consensus that this is truly a boilerplate document and the project management staff, wherever they are, whether they're in fire, law enforcement, can rely on and that this is it. And that the only thing that will change is the fluctuation of the scope of work and the other technical engineering aspects that happen.

And I still hear it today. It's not your fault. But I still hear it today in the hallways that there's still this black hole somewhere. And I think that a lot of it has to do with trying to continue – and I know you're working in that direction, but provide some focus and let's figure out, Ms. Miller, what kind of timeline we can have so that we can get to the point where we say, okay, here they are. And so that project management staff has what they need across every department that they need it.

We've had this conversation before and I was standing over there where you're standing. And it always ends up coming back again and again and again, and I think those efficiencies that we work together through that will help us to move projects on time and on budget. And so I know you hear it. I know we talked about it earlier. You hear it constantly. Where's this and why hasn't this been turned in, but I appreciate your efforts. I don't want you to go anywhere, because you have the experience and the capacity to work with the rest of the team to get us there but it's going to take a full commitment from Legal staff all the way through every department to say here's those core documents, and they're not going to change. And you know exactly what I'm talking about because you dealt with it at the state at general services. So I appreciate where you're headed but I really hope that we can come up with some timeline of we're going to start this or continue this and then finish it, so that we can continue – so that we can get better efficiencies, because I hear it all the time. I hear it across the board and I know there's no silver bullet and it's not an easy answer. But I just wanted to tell you that and I know you're working at it but we're here to help, I guess is what I'm saying.

MR. TAYLOR: I appreciate that, Madam Chair and Commissioner Anaya. Manager Miller also stood here I think also, so we might be able to go around the room.

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We've had this conversation and we do have a timeline and I think what's critical and is going to make this happen is where we can execute this. And also with Steve Ross, we meet weekly and we discuss this same thing. We have boilerplates. We have them. But we need to get to where everybody's on board and signed on and comfortable with it so that when we present a document to Legal they know that this document hasn't been messed with except for the names have been changed and the scope of work has been changed. Terms and conditions are consistent. That helps the project managers in the field because they know that document. They know what it's about and the teeth that are in it to protect the County.

And so we're going to get there. I think the key thing is the contract manager that starts Monday the 17th. I'm very excited about it. It's going to help put this in place. It's going to be his main focus and goal to achieve. So it will be happening very quickly. I hope to come back within the next couple of – next year to the BCC and report on getting to the point of having a consistent document that is a read-only document and you can't change it.

COMMISSIONER ANAYA: Thank you, Madam Chair. Thank you, Bill.

CHAIR STEFANICS: Thank you. Commissioner Mayfield, do you have anything?

[Commissioner Mayfield asked a question regarding a PO for equipment at the Jacona transfer station.]

CHAIR STEFANICS: Thank you. Mr. Taylor, is that your shop or is that Ms. Miller's?

MR. TAYLOR: For a PO for a part for a truck? For a backhoe? The requisition would come to us and we have turned around PO's within 24 hours. And so we have price agreements in place. We do not – it's not – it's an informal procurement process that we can turn around and we have turned around in 24 hours. The agencies need to provide that documentation to us.

CHAIR STEFANICS: Did you hear Commissioner Mayfield? He's asking if you could please check out the situation in the transfer station in Jacona.

MR. TAYLOR: Will do. Yes.

CHAIR STEFANICS: Great. Anything else, Commissioner Mayfield?

COMMISSIONER MAYFIELD: No, actually, Madam Chair, that's it. Thank you.

CHAIR STEFANICS: Anything else, Commissioners, for Mr. Taylor. Okay. Thank you very much.

XII. B. Legislative Priorities [Exhibit 5]

MS. MILLER: Madam Chair, we're going to hand out to you a list about what's coming up for the 2013 regular session, the schedule of events as well as the 60-day session. It's a schedule of events, plus what we have already done to date, and I am hoping to provoke thoughts on positions you may want to take in the future affecting Santa Fe County, and then also any other local government related legislation that may have been introduced.

So on the front page there we have December 17, 2012 to January 11, 2013.

CHAIR STEFANICS: Ms. Miller, let me just tell you something that happened today. I was sitting with our County Assessor and Deputy County Assessor, and the

Revenue Stabilization Committee did not endorse the tax lightning bill that came from the New Mexico Association of Counties, from all the County Assessors, so we might want to put that on our list in terms of legislative reception, make sure all elected officials get invited to that, but there was of course quite a bit of consternation, and that committee, according to Gary Perez and Domingo Martinez did not have an alternate bill.

MS. MILLER: Madam Chair, yes, I was aware that they did not and we have the Deputy Assessor is going to speak to you on January 8th, to the full Board to see what you – to kind of give you that briefing of what has occurred, and then also see what you would like to do relative to the legislative meetings of the Santa Fe delegation and the tax lightning.

So anyway, the dates, as I said, for pre-filing is the period from December 17th to January 11, 2013. January 15th is the opening day of the session at noon. February 14th is the deadline for introducing any legislation, any bills. March 16th is when the session ends at noon. April 1st is the date which the Governor has to act upon any legislation that has passed or is considered pocket-vetoed, and then June 14th is the effective date of legislation that is not a general appropriation bill or a bill carrying an emergency clause. So those are some dates to keeping mind.

Then as I stated last BCC meeting, you had requested some options for the legislative reception to work with the Santa Fe delegation, so we have come up with some suggested dates and ideas. An evening reception from 6:00 to 7:30, either here or somewhere close by to the building, either January 9th or 16th, Wednesday, an evening reception from 6:00 to 7:30, or potentially a breakfast from 8:30 to 10:00 on January 16th. So I look for feedback on any of those dates that you'd like us to pursue, or any other possibilities that you might be interested in.

We were going to recommend in that order as one, two three or A, B, C, but it tied for the 9th in the evening or the 16th in the evening. That's kind of up for adoption.

CHAIR STEFANICS: Thank you. Commissioners, let's let her know right now what we're available for. I'm not available the 9th; I am available the 16th. Commissioner Holian.

COMMISSIONER HOLIAN: I'm available any of those dates.

CHAIR STEFANICS: Okay. Commissioner Anaya.

COMMISSIONER ANAYA: I've got some other dates first, because I thought I saw some other dates.

MS. MILLER: Madam Chair, Commissioner Anaya, that might be – we had sent some dates out for doing a study session with the Commission, kind of the orientation for Commissioner Chavez, and also there had been some request to have the joint City-County next annexation meeting sometime early January. So it could have been those that you're thinking of. This is the first time we've floated these dates.

COMMISSIONER ANAYA: Madam Chair, my only question would – we have to pick one and work with them but have we touched base with the delegation in any way to make sure we're not putting forward any glaring omissions? Because from my perspective they're the main audience, not us, to convince them of things we might want them to help us with.

MS. MILLER: Madam Chair, Commissioner Anaya, what we did is try to take general times before we start trying to get specific with them. And those times are either

before the session, that week before the session, because they're usually here, or early on in the session. And also evening or breakfast. We cannot pick specific dates but if you give us two of these then we'll try to find the ones that the most of the delegation can attend.

COMMISSIONER ANAYA: Madam Chair, I would go with whatever my colleagues would want on suggested dates but I would ask them to give us some suggested dates. They may have another day that works better for them, based on their needs and their schedule. So that's my thoughts.

MS. MILLER: Madam Chair and Commissioner Anaya, we can do that by email as well. We just wanted to try to narrow it down with them a little bit and we'll request either that second – either the second or the third week in January if there are any other dates that work for them.

CHAIR STEFANICS: Okay. So next steps.

MS. MILLER: The next case, this is just kind of a recap of what you have done to date this year for the session. One would be the ICIP in September. These were the top five on the ICIP that we turned into DFA as countywide, and then also the resolutions below are ones that you have taken action on, the 2012-115, -114, -113, -112, -111, -110, and -109, were all of the ones that matched the Association of Counties resolutions, with a note that not all of these were unanimous; most of them were, but I think there were a couple of them that were not unanimous, but we did pass those resolutions. Then 2012-150 was one that was brought forward by Commissioner Holian last month and we had adopted that one. So those are all the ones that you have done to date.

And then on page 3, these are some items that you have either discussed over the year or they are ones that we know there is discussion going on at the legislative level that we have in the past had concerns about. That's the hold-harmless provisions on our gross receipts tax, the tax lightning, as Commissioner Stefanics stated, the reimbursement for state prisoners in county correctional facilities, the sole community provider funds, control of that and options for that, and the water settlement funding, and other capital outlay requests.

We also have your individual capital outlay priorities. I believe – we'll make you a copy of this. [Exhibit 6] This is the recommended top ten district-specific projects that you had also discussed back in September or October when we did the statewide ICIP, and they are listed on our ICIP at DFA, and I'll have them give you a copy real quick and hand that out to you. I thought it was actually attached here, but we'll get you that. They're making a copy right now.

Then the next several pages are all of the bills and related legislation – last year's bill numbers that went through that we were tracking that had an impact on counties that may or may not come back up. This is just for your reference in order to think of things that we had discussed and tracked last year.

And then when you get to page 9, these are the legislation that passed in the 2012 session, and that affected local governments and the details of those bills. And then on page 13, on all of the capital outlay, the capital outlay bill as it was passed related to Santa Fe County and any entities within Santa Fe County, and then those items that were either vetoed or what was left in the bill, we've noted that, and then the ones highlighted in yellow are those within Santa Fe County that we would be administering. And then you'll see on those we have asterisks next to the ones – I think there are two of them – with asterisks next to

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them on the left that we have received the actual grant agreements and executed the grant agreements on.

So that is for reference for talking to the delegation. That was just thanking them for what they did do last year for the County, what is still out there that we might want to consider bringing resolutions forward for in the next couple meetings, and for anything else that you would like to add to our list of what you'd like us to do some research on and possibly bring resolutions forward to you. With that I stand for questions.

CHAIR STEFANICS: Thank you. Commissioner Vigil, let me ask Commissioner Mayfield if he has anything. Commissioner Mayfield,

COMMISSIONER MAYFIELD: Nothing, Madam Chair. Thanks.

CHAIR STEFANICS: Okay. Thank you. Commissioner Vigil.

COMMISSIONER VIGIL: There is, Madam Chair, members of the Commission, an initiative under way that coalesces all of the interests of the film industry – the unions, the City, the County, all those participants that are impacted by the film industry. They have been meeting regularly and I think they have some proposals. The City has placed those proposals on their agenda to support and I think that we have a preliminary rough draft of what those might be. But I would just ask the Commission, when it comes before you, some time I think in January to support that because the film industry and the film initiatives have been sort of paying the price of the loss of the film credits, and I think that's one of the issues they want to deal with. I think this is going to be a statewide initiative to go before the legislature to effect incentives for the film industry.

So I think that that will come before you at some point in time, probably your first meeting in January, and I ask that you consider supporting that because that is one of the larger benefits of our community and it is supported by everyone affected in the film industry as I prefaced it.

CHAIR STEFANICS: Thank you, Commissioner.

COMMISSIONER VIGIL: So that could be placed on the list, I guess.

CHAIR STEFANICS: Let's go ahead and place it on the list.

MS. MILLER: Madam Chair, I'm glad that Commissioner Vigil brought it up because it was one that I wanted to add. Film initiative as well as oil and gas issues on that list of things that may affect us that we should watch for.

CHAIR STEFANICS: Commissioner Vigil, are you finished?

COMMISSIONER VIGIL: Yes.

CHAIR STEFANICS: On that last point, oil and gas, I was invited along with the County Manager and the County Attorney to the Association of Counties to meet with the Secretary of Energy and Minerals and former Senator Kent Cravens, who is now the lobbyist for the Oil and Gas Association, and there were five other counties present to discuss what is up. And what is up is a pre-emption issue. And Kent Cravens informed the counties that the executive branch was planning a pre-emption bill and they also gauged interest around the table for oil and gas drilling and heard from each individual county. I indicated that our county does not prohibit oil and gas drilling, but our ordinance does protect the health and safety of the citizens of our county by putting in place some standards.

Other counties are working on their ordinances and other counties are ready to go, but a pre-emption bill would affect us in many ways, not just in oil and gas. It would affect us

with other measures that we also study. So we might want to discuss that at a future meeting. Anything else? Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, the first comment I would make, because it's something that I've been talking about with the Commission for quite some time is under the countywide priorities on the fairgrounds, I just want to get more specific that we've been talking about the project to where we have the plans and the design for the facility for the extension center as well as it houses extension programs, master gardeners, 4-H programs, that that is the legislative priority we've been talking about, not just the fairgrounds at large, because we've been working with County money to do a lot of fairground improvements around the entire facility, but that the legislative priorities were around that facility that we have plans for. So is that – I just want to make sure we're on the same page with that. Because that's the intention of the Fair Board and the County Extension Service and the people that have been advocating for resources to get that facility.

MS. MILLER: Madam Chair, Commissioner Anaya, what I would recommend is that we actually provide the language to the legislators that would encompass facilities or any improvements so that depending on – if we only get \$50,000 and you want to be able to spend it specifically for an addition to the facility that might not be enough to really do anything. So I think we should really work on some language that would make sure that we have the broadest ability to use it effectively at the fairgrounds, but if the priority is to be the extension office, we can do that.

COMMISSIONER ANAYA: And I think that's one of the things that I want us to – Master Gardeners is already organizing as one specific group to help get this project done and I think one of the misconceptions in the last bond election where we tried to pass it was that it was administrative office for Pat and his staff and the reality is they do far more than administrative functions through their work. Master Gardeners is one huge component as well as the 4-H program. So they're going to be coming back to us so I want to just make sure that we have language that allows us the latitude to do what you said.

The next question I have, and it was that we had been given a presentation some time back that some of the monies that I see weren't vetoed – we were told they were vetoed and I see them on here as not being vetoed, which is a good thing. So if they don't say veto next to them, they were not vetoed? Is that correct? Because like the Huber Park was one of them that I was told was vetoed and I see it on here that it was not, which is a good thing. So we did get the grant agreements for the Madrid Park?

MS. MILLER: Madam Chair, Commissioner Anaya, we have not received the agreement. The only two that we've received agreements on and it probably depends on what funding source they were using and how they do their surveys when they do the severance tax, but the only two that we actually received the agreements on were the corrections facility improvements for \$110,000 and the Romero Park improvements. But that usually is due to the fact that they only have so much bonding capacity so they'll kind of spread it around each time they do a bond issue, and then they'll pick it up in one of the next ones, if it's for severance tax bonds. Because they only issue those grant agreements when they issue the bonds.

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But in answer to your question, the ballpark, what did happen with the ballpark, I think it was originally almost like \$600,000, and it did get knocked down, but the final amount that was in there did not get vetoed, so we did get that.

COMMISSIONER ANAYA: I want to work with you and staff to schedule a meeting within the next two weeks to bring them in to have a discussion with the group. They've been working hard on that for years and that's a project that Representative King worked hard on to get done over many years.

And then on the grant agreement, we're going to be the fiscal agent for the La Bajada \$50,000? We haven't received that grant agreement either? For La Bajada?

MS. MILLER: Madam Chair, Commissioner Anaya, I think that went to them directly. That is, we have been working with them on using that for the design. So we've been coordinating staff along with the Water Trust Board grant.

COMMISSIONER ANAYA: Okay. Thank you, Madam Chair.

CHAIR STEFANICS: Thank you.

MS. MILLER: Madam Chair, one other thing that I wanted to – the guys were modest when they put this together and I wanted to make sure that you knew that our legislative team is Rudy Garcia, Hvtce Miller and Lisa Roybal. They're the ones that put all this together. They're the ones that are going to be tracking everything. They're doing a really good job of getting us out ahead of the curve so that will be listed on here the next time along with all the Santa Fe County delegation so you have their names and numbers.

COMMISSIONER ANAYA: Madam Chair.

CHAIR STEFANICS: Yes, Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, on the priorities, you have the two priorities listed, but I feel I've had discussions with the delegation myself. I'm not going to set those final two priorities for my district because I want to visit with all the representatives and senators that work in District 3 before I make those commitments.

MS. MILLER: Madam Chair, Commissioners, we just did these to make sure that they got in the ICIP when we had them submitted in September so that if one of the requirements was that it had to be on that list we at least had some very specific ones for your district. If we had gotten word from the executive that if it wasn't in there then they weren't going to support it. So we're trying to run both tracks but we did expect that you will bring back some other things as you talk to the delegation, things that have come up during the year.

COMMISSIONER ANAYA: Thank you, Madam Chair. I can tell you one right now that we're already getting direct feedback on and that's the senior/community center in La Cienega that Representative Trujillo and Senator Griego have already expressed explicit support for. So I need to visit with Representative Richards on that particular item but I know those two individuals have already expressed some interest in that.

CHAIR STEFANICS: Thank you. Commissioner Mayfield.

[Commissioner Mayfield asked about the park acquisition in Jacona.]

MS. MILLER: Madam Chair, Commissioner Mayfield, yes, that's on my list and I've set up an appointment to see the representative for the district and see what they want to do.

CHAIR STEFANICS: So she is addressing that.

COMMISSIONER MAYFIELD: Okay. Thank you.

CHAIR STEFANICS: Anything else, Commissioner?

COMMISSIONER MAYFIELD: That's it, Madam Chair. Thank you.

CHAIR STEFANICS: Thank you. Okay, Ms. Miller, anything else on that point? Anything else on legislative priorities?

MS. MILLER: Madam Chair, no.

CHAIR STEFANICS: Thank you very much.

XIII. MATTERS FROM THE COMMISSION

A. Election of County Commission Chair for 2013

B. Election of County Commission Vice Chair for 2013

COMMISSIONER VIGIL: Thank you, Madam Chair. On item XIII, Matters from the Commission, items A and B, I would like to combine with my motion of electing Commissioner Kathy Holian as County Commission chair for 2013, and Commissioner Danny Mayfield as vice chair for 2013.

COMMISSIONER ANAYA: Second.

CHAIR STEFANICS: There's a motion and a second for the Commission chair and vice chair for 2013. Is there any discussion?

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

XIII. C. Resolutions

1. Resolution No. 2012-166, a Resolution Supporting the City of Santa Fe's Plan to Adopt an Airport Road Overlay District That Incorporates Healthy Food Zones

COMMISSIONER ANAYA: Madam Chair and Commissioners, the corpus of this resolution comes from discussions from Councilor Carmichael Dominguez and his work and efforts to create an overlay zone in the Airport Road area that assures that there will be a broad base of commercial uses and won't be limited to fast food restaurants, for example, and that they would encourage other types of development in the area. On that, Madam Chair, I know that he has a resolution or an ordinance that is going to Council and I would stand for any questions on this particular resolution that supports his efforts and the efforts in the Airport Road area to create more healthy food options and choices for the residents in that part of Santa Fe County and the City of Santa Fe.

CHAIR STEFANICS: Thank you. This is a resolution. Is there anybody in the audience who came to speak on this resolution? Okay. Questions, comments from the Commission? Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Madam Chair. I just want to thank you, Commissioner Anaya, for bringing this forward. I have a feeling that the Airport Road area is a food desert right now so I think this is an excellent thing to support and do.

COMMISSIONER ANAYA: Thank you, Madam Chair, Commissioner Holian. I would move for approval if there's no other questions.

COMMISSIONER HOLIAN: Second.
CHAIR STEFANICS: Okay. There's a motion and a second.

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

XIII C. 2. Resolution No. 2012-167, a Resolution Supporting the La Bajada Mutual Domestic Water Consumers Association (MDWCA) and Their Efforts to Request a Modification of Conditional Readiness Items to the Water Trust Board for Funding From the New Mexico Finance Authority

COMMISSIONER ANAYA: Madam Chair, Commissioners, we had discussion on this item. We had Mr. Gallegos here at the meeting. Since the meeting we've had numerous discussions between the County Manager, Public Works staff, Utilities staff and I believe we have the ability within this resolution to support the efforts of the La Bajada Mutual Domestic Water Association and help them to sustain the resources we were able to get from the Water Trust Board and also maintain the integrity and the work of Santa Fe County. I would ask Mr. Leigland to come forward and Ms. Miller to come forward to speak to the issues and the potential resolution to this resolution, to support the work and actually help La Bajada to get the approval they need and move forward to drill the well and put a tank in place for that community. Mr. Leigland or Ms. Miller

MR. LEIGLAND: Madam Chair, Commissioners, it might serve just to give a little bit of history on this issue. So the story started back in January 2010 when they had the large freeze La Bajada's water line. They get their water from – it's actually a very interesting system. It's classified as a groundwater system. The water feeds in from the ground in the Santa Fe Canyon and it goes through several miles of pipe to an approximately 9600 gallon tank and that's what feeds their system.

So when they had the deep freeze a couple years ago the water line froze and it precipitated – we'll the National Guard and the County delivered water, trucked water into them. They did get an emergency loan from the state in the amount of \$38,000. But the County also intervened and submitted an application to the Water Trust Board on their behalf and the intent of that is to drill a new well, much closer to the community, not three miles up the canyon. And also a tank to take the water from that and hook up. So that would eliminate that long, vulnerable section of their system.

So the County submitted the grant to the Water Trust Board on their behalf. It went through the normal tier 1 review cycle, but in April of this year, April of 2012, the Water Trust Board application did not make the staff's recommendation for approval. And we subsequently learned that that was because of question of who's going to – it wasn't clear who'd be the fiscal agent and also there were some questions about adequate water rights. That was what came out during discussions with the Water Trust Board.

So the County at that particular Water Trust Board, which was April 25th of this year – actually it was Paul Gutierrez from the Association of Counties who actually from the bench said, hey, this is a project that's really important; these people don't have water. So the Water Trust Board, during that meeting actually evaluated staff's request. The County was

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there to answer questions and the Water Trust Board finally did agree – actually the request was downgraded from \$250,000 down to \$200,000 in light of the \$50,000 that was brought up earlier, which, to clarify, did actually go straight to the mutual domestic and we have been talking to them using that in conjunction with this Water Trust Board application.

So during the Water Trust Board deliberations on April 25th, the Water Trust Board as they were trying to come up with the money, they imposed a condition. In looking at the minutes the word used was assumed that the Santa Fe County assume the system. The Water Trust Board did ask the County. They said do you have the capability to assume the system? And Manager Miller said yes, we could do it. So that ended up in the final motion.

So the Water Trust Board gave the grant at that time with the condition that the County take over the system. And then when the New Mexico Finance Authority actually issued the letter, the grant condition letter, which we didn't receive until August 31st this year and imposed two conditions that said, one, that the County has to take it over, and two, that the mutual domestic has to transfer all their assets. Those conditions were I think more onerous, more severe than anyone was expecting and the mutual domestic was particularly surprised to see that. And so that led to Mr. Gallegos coming to the meeting last week saying these conditions are too hard for us to take on.

So we've been working with the Water Trust Board, with the State Engineer's staff, who are staffers to the Water Trust Board. We've been working with the mutual domestic themselves to see what conditions. The goal is to get them water. The goal is to still try to get hold of that grant. The County will still serve as fiscal agent but really we're trying to see how we can comply with the Water Trust Board's motion from April 25th and still meet the mutual domestic's goal of maintaining assets.

So as Commissioner Anaya mentioned, we've been working with all the parties involved. In fact I had a long lunch with Mr. Gallegos yesterday trying to scope out what was in the realm of the possible, and I think – we're not there yet but I think as Commissioner Anaya mentioned I think we definitely can come to an agreement that meets everybody's goals.

So I think I summed up the situation. Are there any other questions?

COMMISSIONER ANAYA: So, Madam Chair, Mr. Leigland, specifically this resolution doesn't detract from those efforts. It supports the efforts that you're already working towards to utilize the Water Trust Board money and support the efforts to get this project done.

MR. LEIGLAND: Madam Chair, Commissioner Anaya, that is correct.

COMMISSIONER ANAYA: Thank you, Mr. Leigland. Ms. Miller, did you have anything you wanted to add?

MS. MILLER: Madam Chair, Commissioners, I did speak to the maker of the motion at the Water Trust Board actually about the condition that was put on and whether some of the things that Adam and I have been discussing and then discussing with La Bajada whether those would work and still meet the intent of the motion at the Water Trust Board. And they're amenable to us coming up with something like that. So I guess it's going to be a process working through it, so I don't think it would be something where we could just go straight to the Water Trust Board and say can you remove this condition. I think it's a matter

of how we meet the condition and work with the condition while still letting La Bajada have their independence.

CHAIR STEFANICS: Thank you. This is a resolution so we will take public comment. Is there anybody here who would like to speak on this resolution? Is there anybody here from La Bajada?

COMMISSIONER ANAYA: Madam Chair, on that point.

CHAIR STEFANICS: Yes.

COMMISSIONER ANAYA: Madam Chair, on this point, La Bajada and the discussions that happened at the last meeting, the reason they're not here is because the work that the staff, the Manager in particular and Mr. Leigland have been doing to work through the issue. And so their feeling is that the County is supportive of those efforts as being the fiscal agent and working through those issues and that there's not a direct conflict. So I would say that on their behalf.

COMMISSIONER HOLIAN: Madam Chair.

CHAIR STEFANICS: Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, and thank you for bringing this forward, Commissioner Anaya. But I was wondering if you would be willing to table it, sort of just to allow staff to come up with a solution so that we could have a more specific resolution. Just to sort of give them the freedom to come up with a solution without having this cast in stone.

COMMISSIONER ANAYA: Madam Chair, I asked the staff to help me draft this resolution and I don't think it conflicts with anything that they're working on. Do you think it conflicts with anything we're working on Ms. Miller?

MS. MILLER: Madam Chair, I have to defer to the last discussion because Adam was at the discussions yesterday but I wasn't. So I think –

CHAIR STEFANICS: So, Mr. Leigland, could you answer that question?

MS. MILLER: I don't think so but I want to make sure that I'm not overstepping the last conversation he had.

CHAIR STEFANICS: Do you want the question repeated?

MR. LEIGLAND: Madam Chair, Commissioner Holian, I think what you're asking – you're hoping that if when we come up with a specific – whatever the solution is, you'd like that enshrined in a resolution as opposed to a more general.

COMMISSIONER HOLIAN: Well, I guess, Adam, my question is is this going to put some constraints on you that are going to hinder coming to a solution?

MR. LEIGLAND: Madam Chair, Commissioner Holian, I don't think so. The other thing that I'll mention is that this is the last time the Commission meets before the next Water Trust Board meeting, because the next Water Trust Board meeting I think is going to happen the week before the first Commission meeting and I believe that's currently when La Bajada is scheduled to go back to the Water Trust Board. So I think that if we tabled it you would lose the opportunity to have any kind of resolution. So I just mention that. So maybe if – I'm just offering that.

COMMISSIONER HOLIAN: So you're comfortable with this?

MR. LEIGLAND: Yes.

COMMISSIONER HOLIAN: Thank you.

CHAIR STEFANICS: Thank you. Anybody else? Commissioner Mayfield, anything?

COMMISSIONER MAYFIELD: No questions, Madam Chair.

CHAIR STEFANICS: Okay. Thank you. What's the pleasure of the Commission?

COMMISSIONER ANAYA: Move for approval, Madam Chair.

COMMISSIONER MAYFIELD: Second.

CHAIR STEFANICS: There's a motion and a second to approve. Any further discussion?

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

XIII. D. Miscellaneous

1. Request Approval of Limited Utility Easement and Plat Approval of Twenty Foot Easement Located at the Eastern Boundary of the Santa Fe County Fairgrounds

COMMISSIONER ANAYA: Madam Chair, I'm going to bring forward Rudy Garcia and whoever else, Mr. Leigland, or whoever else who needs to, but Hvtce I think was working on this. We have the REDI-net site at the fairgrounds and it needs utility easement to energize that REDI-net site. We met out there and we're making sure that the use of the easement and the electricity that we're going to bring in and the transformer will be enough to make sure we adequately accommodate the REDI-net site but also have the capacity to do future upgrades to the fairgrounds. So I appreciate you guys for your efforts. Is there anything you guys want to add?

HVTCE MILLER (Constituent Liaison): Madam Chair, Commissioners, I'm the Santa Fe County board member for REDI-net. As Commissioner Anaya was stating I think County staff is taking all the various steps to include all the necessary parties to see any concerns or issues associated with this particular matter and we have addressed them as needed and if there's any other questions from any of the Commissioners please let me know. Thank you.

COMMISSIONER ANAYA: Hvtce, I appreciate it. Mr. Leigland, I don't know if you wanted to add anything.

MR. LEIGLAND: Madam Chair, Commissioner, I just wanted to add that we're in discussions with the City right now to extend City water and City service to the fairgrounds and I just want to state that that will require utility easements but that these two won't conflict.

COMMISSIONER ANAYA: I appreciate that very much, Mr. Leigland, and the efforts that your staff and everyone's done to improve that site. With that, Madam Chair, I'd move for approval.

CHAIR STEFANICS: I'll second. Any further discussion?

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

XIII. E. Commissioner Issues and Comments (Non-Action Items)

CHAIR STEFANICS: Commissioner Vigil.

COMMISSIONER VIGIL: I would defer to wait until the end, at least my portion of it, because there's so many cases we have before us in executive session, Madam Chair.

CHAIR STEFANICS: Okay. Well, in the event that we get cut off from the radio or the TV before the end of the night, I would like to make sure that I've wished all of the employees and the members of the public a happy holiday season and a very safe and peaceful time of year. We're going to be getting another winter storm in the county later this week. We've had some accidents throughout town and a fatality just south of town, so please be very careful but try to have a great holiday season. We're going to hold Matters from the County Attorney and the executive session till the end of the evening.

XV. MATTERS OF PUBLIC CONCERN – Non-Action Items

CHAIR STEFANICS: Is there anybody in the audience who came to speak to us today about an item that is not going to be voted on? Yes. Please come forward. I think I recognize the person coming forward.

MARCELA DIAZ: It cannot be about items on the agenda, correct?

CHAIR STEFANICS: It cannot be about items on the agenda. So if you would introduce yourself for the record.

MS. DIAZ: Hi, Commissioners. My name is Marcela Diaz. I work for the United Workers Center of New Mexico, a project of Somos un Pueblo Unido. [Exhibit 7]

JUAN LOPEZ: Soy Juan Lopez y soy un miembro del Centro de Trabajadores de Somos un Pueblo Unido.

MS. DIAZ: Would you like for me to interpret or can we do it in Spanish?

CHAIR STEFANICS: I think we can do it up to a point in Spanish. I'll be using my poor Spanish but go ahead.

MS. DIAZ: Okay. Would the rest of you like to introduce yourselves.

LILIA LOPEZ: My name is Lilia Lopez del Comité del los Trabajadores de Somos un Pueblo Unido.

PABLO DE LA CRUZ: Buenas noches. Mi nombre es Pablo de la Cruz. Soy del Comité de Somos un Pueblo Unido. Gracias.

YOLANDA GALARDIS: Buenas noches. Mi nombre es Yolanda Galardis. Soy parte del Centro de Trabajadores.

YOLANDA RIVERA: Hola. Buenas noches. Mi nombre es Yolanda Rivera. Soy parte de Trabajadores de un Pueblo Unido.

DELFINA BRUNO: Buenas noches. Mi nombre es Lupina Bruno y soy parte de Somos un Pueblo Unido, Centro de Trabajadores.

CHAIR STEFANICS: Gracias. So Marcela, you will need to just summarize that just for the record please, the introductions.

MS. DIAZ: We can certainly give you our names afterwards, but these are members of the United Workers Center of New Mexico of Somos un Pueblo Unido. We can give you a list of their names afterward, if that's okay. I'll interpret.

MR. LOPEZ: Okay. Buenas noches. Gracias por la oportunidad que nos dan de estar aquí al frente.

MS. DIAZ: Good evening. Thank you for giving us an opportunity to be here.

MR. LOPEZ: Queremos aprovechar la oportunidad para decirles que somos organizando comités de lugares de trabajo y eso es lo que hacemos de parte del Centro de Trabajadores de Somos un Pueblo Unido.

MS. DIAZ: We wanted to take this opportunity to let you know that as a part of the United Workers Center of New Mexico we, as the Workers Committee, organize workers committees in work sites to change and improve working conditions in Santa Fe.

MR. LOPEZ: Estamos aquí para que ustedes sepan lo que nosotros hacemos y los casos que nos ha pasado dentro de los lugares de trabajo. Y para darlo a saber acá de lo que somos parte – o sea, somos una familia de trabajadores y que queremos que todos los trabajadores tengan también protección a través de nuestro grupo.

MS. DIAZ: We wanted to let you know what we do as an organization, as a worker's center, as a family of workers our job is to help improve conditions for all workers in Santa Fe.

MR. LOPEZ: De la forma que los demos en el comité [inaudible] los compañeros que están atrás de mí. Somos miembros del comité de Santa Fe Tortilla. Tenemos un caso que pasó de discriminación y represalias y llegamos al extremo de que tuvimos que dar una queja con OSHA por la falta de salubridad y porque muchos de nuestros compañeros tuvieron muchos accidentes de la compañía. Hay unos que se cortaron los dedos. Otros –

MS. DIAZ: And so I personally represent the workers and members who are behind me, a group of workers who formed a work site committee at the Santa Fe Tortilla Company. We were dealing with a lot of issues at the Santa Fe Tortilla Company in relation to discrimination and retaliation and health and safety problems and that resulted in us filing a complaint successfully with OSHA. We were having a lot of problems with the machinery and people were getting hurt, in some cases even losing fingers as a result of these bad practices.

MR. LOPEZ: OSHA inspeccionó y pues [inaudible] la compañía y a causa de eso pues también por habernos organizado fueron despedidas dos de nuestras compañeras.

MS. DIAZ: OSHA did an investigation as a result of our complaints and we did see some changes made as a result of that. The company was actually fined recently \$3,000. As a result of that complaint. And as a result of our organizing we were able to make some of these changes but unfortunately we also saw retaliation as a result of that and in fact two of our coworkers who are here today were unjustly fired in retaliation.

CHAIR STEFANICS: I think you added something to what he said.

MS. DIAZ: Did I?

MR. LOPEZ: Todo esto pasó y luego fueron tanta las pruebas que pudimos demostrar que a través tenemos una queja en proceso con la Junta Nacional del Trabajo, y que ahorita estamos en proceso para llegar a una audiencia.

MS. DIAZ: And as a result of this retaliation we filed a complaint with the National Labor Relations Board and that complaint is in process and we are now awaiting – they took the complaint and now we’re awaiting a hearing to determine whether or not they’ll be reinstated.

MR. LOPEZ:: Entonces esto queríamos dar a conocer lo que hacemos dentro nuestros Centros de Trabajadores, ayudar a todos los trabajadores. No importa que sean inmigrantes; siempre que tengan un problema. Sabemos que adentro de nuestro Centro de Trabajadores los podemos ayudar.

MS. DIAZ: And we wanted to use the example of our Workers Committee to let you all know and the public know how we function at the United Workers Center of New Mexico and that we organize and give information to all workers, not just immigrant workers.

MR. LOPEZ: Sabemos que no todas las compañías son de la manera como se ha portado Santa Fe Tortilla; que hay buenas compañías, pero también tenemos que decirles que hay compañías que no son como el caso que ya mencioné.

MS. DIAZ: And we want to make clear that it’s not the majority of companies that are bad companies and that treat their workers this way, but in this case not all workers are like – not all employers do what in this case the Santa Fe Tortilla Company has done, but we do want to let people know and the public know when these kinds of egregious actions happen.

MR. LOPEZ: Entonces lo que queríamos que supieron es la forma en que estamos trabajando, y al mismo tiempo uno de mis companeros quiere dar una invitación a todos.

MS. DIAZ: We wanted to let you know what we were doing and one of my coworkers wants to give you all an invitation to an event.

[Unidentified Speaker]: Bueno, les queremos invitar porque ese 13 de noviembre [sic] a celebrar el 17^o aniversario y queremos a invitar a todos ustedes este día en el Cento Genoveva Chavez y están todos invitados.

MS. DIAZ: And we wanted also to take this opportunity to invite all of you to learn more about what we do and to celebrate our 17th anniversary on Thursday, December 13, from 6:00 to 9:00 at the Genoveva Chavez Community Center.

CHAIR STEFANICS: Thank you.

MS. DIAZ: We have tickets for you. We’d like to invite all of you and so we’ll leave them with whomever so that you have no problem coming and you’re cordially invited by the Workers Center.

CHAIR STEFANICS: Thank you. Now I have a question, Ms. Diaz. Didn’t this committee, the Workers Committee, just receive a letter affiliating with the AFL-CIO?

MS. DIAZ: Yes, Madam Chair, members of the Commission. We have formally – the United Workers Center of New Mexico is the first and only Workers Center in New Mexico that gives information about workers’ rights, helps folks fill out administrative complaints. We do policy work around wage theft and other issues, and we actually organize in work sites to improve conditions. And as a result of these actions we are – and as a result of the work that this Workers Center is doing we are formally affiliated with the Central Labor Council of Northern New Mexico as well as the AFL-CIO.

CHAIR STEFANICS: Thank you very much. Are there any questions or comments from the Commission? Thank you for coming in front of us this evening to share your story and to share the work of your center.

MS. DIAZ: Thank you.

CHAIR STEFANICS: Thank you.

COMMISSIONER ANAYA: Madam Chair.

CHAIR STEFANICS: Yes, Commissioner Anaya.

COMMISSIONER ANAYA: Other than OSHA, was it in the city limits? Did you file a complaint with the City of Santa Fe or anyone else associated with those workplace acts or Office of Workforce Solutions?

MS. DIAZ: The complaint was filed with OSHA. This isn't in the city limits; the Santa Fe Tortilla Company is in the county, which is in part why we're here, and there wasn't an issue of wage theft so we didn't have to file – or not payment of minimum wages. It was health and safety concerns, sexual harassment and other mistreatments, humiliating treatment and discriminatory treatment. So the first – so we organized a workers committee to try to change the conditions within the workplace without having to file administrative complaints. But one of the administrative complaints was the OSHA, and it did result in some changes, but unfortunately there was retaliation as a result of that organizing and when that happens we go to the National Labor Relations Board and file a complaint that the National Labor Relations Act was violated. Or at least that is what this group is alleging. And the National Labor Relations Board does an investigation and if they find sufficient evidence to proceed they actually file a formal complaint against the company, and that's exactly what's happened in this case. So now they're negotiating a settlement, hopefully, and if not, we'll go to a hearing and make their case before a labor law administrator or an administrative law judge

COMMISSIONER ANAYA: So, Madam Chair, I guess my thoughts are right in the middle of a code rewrite associated with all land use of which building falls as a land use, and I think it's always our interest to assure that businesses operate in Santa Fe County but they also function appropriately and professionally within the law. So I think we need to understand better what we might think about putting in our code, aspects to assure that businesses that function are functioning appropriately and treating all workers fairly and appropriately.

MS. DIAZ: Well, we certainly appreciate that Commissioner Anaya, and if you like we can forward you the complaints, the complaint with OSHA and the judgment against the company so you have more information of the kinds of violations that OSHA found and certainly corroborated by the folks who actually made the complaint. And so we can get those to you and we're more than happy to forward that information to you in the future as well as we continue to organize in businesses.

COMMISSIONER ANAYA: I would like that. So thank you.

CHAIR STEFANICS: Thank you. And Julia Valdez, right here in the red will receive the tickets and distribute them. And thank you for thinking of the Board of County Commission for the events that you're having and thank you for coming here this evening, that not only we, the Board of County Commission, but the public is made aware of your group and what is going on.

MS. DIAZ: Thank you, Commissioner, and we also have press releases that we sent out earlier in November about this case and so you can have more information about it in writing and we'll give that to Julia as well.

CHAIR STEFANICS: Thank you very much. Is there anybody else from the public that wishes to speak on a non-action item? Yes, sir. Did you have an item? Come on forward. And if you'd just introduce yourself for the record.

ROBERT BERNARD: My name is Robert Bernard and I live at #2 Summer Night and I want to ask is this an appropriate time to comment on the application for an extension of the master plan for Tessera Subdivision?

CHAIR STEFANICS: No. Is that an item on the agenda for tonight?

MR. BERNARD: It was and we think that – yes.

CHAIR STEFANICS: No. When we have the case come in front of us we actually have public comment at that time. Now, what item was it? It's actually number three. We're going to it next. #1 has been tabled. We'll be hearing #2 and then #3 and then you can comment.

MR. BERNARD: Okay. Thank you.

CHAIR STEFANICS: Thank you for being here. Is there anybody else who wanted to comment on a non-action item? Okay.

XVI. PUBLIC HEARINGS

A. Growth Management Department

- 2. BCC Case # MIS 12-5380 Concierto at Las Campanas Time Extension. Las Campanas Land Holdings, Applicant, Requests a 24-Month Time Extension of the Preliminary and Final Plat and Development Plan Approval for the Concierto at Las Campanas Subdivision, Phases I and II, Consisting of 170 Residential Lots on 105 Acres. The Property is Located Along Las Campanas Drive, North of the Caja del Rio Intersection, within Sections 14 and 15, Township 17 North, Range 8 East (Commission District 2) Vicente Archuleta, Case Manager**

VICKI LUCERO (Case Manager): Thank you, Madam Chair. Las Campanas Land Holdings, applicant, requests a 24-month time extension of the previously approved preliminary and final plat and development plan for the Concierto at Las Campanas, phases 1 and 2, consisting of 170 lots on 105 acres. The property is located along Las Campanas Drive, north of the Caja del Rio intersection, within Sections 14 and 15, Township 17 North, Range 8 East, Commission District 2.

On January 13, 2009 the BCC granted preliminary and final plat and development plan approval for 62 residential lots and master plat, preliminary and final plat approval for 108 residential lots on 105 acres. At the time these approvals were granted the subject property was located in the five-mile Extraterritorial Zoning District and therefore under the jurisdiction of the Extraterritorial Subdivision Regulations. With the elimination of the Extraterritorial Zoning District in 2009 this development now falls under the regulations of the County Land Development Code.

Article V, Section 5.3.6 of the County Code states an approved or conditionally approved preliminary plat shall expire 24 months after its approval or conditional approval. Prior to the expiration of the preliminary plat the subdivider may request from the Board an extension of the preliminary plat for a period of time not exceeding 36 months. The Code also states an approved or conditionally approved final plat approved after July 1, 1996 shall be recorded within 24 months after its approval or conditional approval or the plat shall expire. Upon request by the subdivider an additional period of no more than 36 months may be added to the expiration date by the Board.

The preliminary and final plat and development plan for the Concierto at Las Campanas expired on January 13, 2011. On December 13, 2011 the BCC adopted a resolution which found the existence of severe economic conditions and suspended enforcement of specified provisions of Article V of the Code that concern expiration of master plans, preliminary plats and final plats. The Board also adopted an ordinance which states the Board of County Commissioners may suspend provisions of the Code upon a finding of economic necessity which is defined in terms of a score of 100 or less on the Conference Board Leading Economic Index for the United States for any quarter and for three years following any such event, and the Board recognizes that these conditions are present and desires to temporarily suspend enforcement of those sections that set forth expirations of master plans, preliminary plats and final plats for two years pending an economic recovery.

At the time of expiration of the plat approval for Concierto at Las Campanas Subdivision the Conference Board's Leading Economic Index score was 97. As of September 2012 the LEI was 95.9. The applicants are requesting a 24-month time extension that would render the preliminary and final plat and development plan approval valid under December 11 of 2014.

Staff recommendation: Approval for a 24-month time extension of the approved preliminary and final plat and development plat for the Concierto at Las Campanas Subdivision. Madam Chair, I stand for questions.

COMMISSIONER ANAYA: Madam Chair.

CHAIR STEFANICS: Yes, we have questions from Commissioners for staff.
Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, Vicki, this is consistent with other requests that we've granted previously on extension and this recommendation is similar to those prior recommendations. Correct?

MS. LUCERO: Madam Chair, Commissioner Anaya, that's correct.

COMMISSIONER ANAYA: Thank you.

CHAIR STEFANICS: Thank you. Commissioner Vigil. Please remember this is a public hearing as well.

COMMISSIONER VIGIL: Right. But I do have a question that might need a legal response but our legal counsel isn't here, so I'll hold off.

CHAIR STEFANICS: Okay. So let's go to public hearing and then we'll go to legal response. Is the applicant here? Would you like to make a short statement?

[Duly sworn, Scott Hoeft testified as follows:]

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SCOTT HOEFT: I'm Scott Hoeft, Santa Fe Planning Group, 109 North St. Francis. I simply want to agree with the staff report and I'll stand for questions.

CHAIR STEFANICS: Thank you. This is a public hearing. Is there anyone here who came to speak for or against this application for an extension of time? Okay, seeing none we are back to the Commission and we're waiting for our County Attorney or two to return.

COMMISSIONER HOLIAN: Madam Chair.

CHAIR STEFANICS: Certainly. Commissioner Holian.

COMMISSIONER HOLIAN: I have a question for Mr. Hoeft, I guess. Did you see a copy of this letter from Judy and Mel Feldman, by any chance, who express some concerns? [*Exhibit 8*]

MR. HOEFT: Commissioner, I did. I did talk with her via phone. Looking at her comments – well, first of all, this is a hearing for an extension so we're not exactly opening up the whole formal approval and looking at the issues as best I understand it according to Steve, but addressing the three points that she had, the first was color, and the color is dictated by Las Campanas guidelines. The second one was parking; that also is dictated by guidelines. The third one was building heights and at the time, we did get as part of that approval the option to do two-story structures. I will say that two-story structures didn't go over very well. I think two or three were developed in the development and it's probably unlikely that we'll do that again in Las Campanas but the door is still open I think to try that. But it's likely we'll use every bit of those two years if this is granted tonight to try to work out exactly what's going to happen.

COMMISSIONER HOLIAN: So as I understand it, Mr. Hoeft, this particular subdivision would be under, somehow, the Las Campanas Homeowners Association, or do they have some kind of an association that sets certain guidelines?

MR. HOEFT: Yes, it will be part of Las Campanas Homeowners Association. Those subsets of subdivisions within the development have little tweaks to the overall design guidelines. Los Santeros, for example is the previous development that permitted the two-story structure or the higher density. And so there's small tweaks but overall there is the umbrella of Las Campanas guidelines.

CHAIR STEFANICS: Thank you. Commissioner Vigil had a question for you, Mr. Ross.

COMMISSIONER VIGIL: Well, Mr. Ross, but Scott I had something for you too but I'll wait to ask. Steve, when these developments come before us, the extension, this particular development, does it allow for administrative approval or does it have to come before the Commission, and maybe that's a question for Vicki. Let me get the answer to that first and then I'll ask Mr. Ross his.

MS. LUCERO: Madam Chair, Commissioner Vigil, so if I understand your question, you're asking whether these extensions have to come before the Board of County Commissioners?

COMMISSIONER VIGIL: No. I'm asking once the building starts to build is there another approval process that needs to come before the Commission or does it get administrative review and approval?

MS. LUCERO: Madam Chair, this phase of the development actually got final plat and development plan approval so if their proposal is consistent with what was approved then it's all administrative after this.

COMMISSIONER VIGIL: Okay. So if it isn't, and it doesn't comply with the original final plat and development then it will come to the Commission.

MS. LUCERO: Right. For example, if they're changing the number of units or that sort of thing it will have to come back as an amended –

COMMISSIONER VIGIL: Okay. My question to you, Steve, is will these developments that we provide extensions for be required to comply with the Sustainable Growth Plan Code?

MR. ROSS: Let's see. Madam Chair, Scott, is this in the development agreement? Las Campanas is a little different than some of the other developments in that they have a 1992 development agreement. So no.

COMMISSIONER VIGIL: Then my question to you, Scott, because most of the concerns that the folks are bringing forward have to do with development design, density, covenants, those kinds of things. Are all of these developments design and build, density and requirements going to comply with the homeowners association with the covenants in specific that Las Campanas puts forth?

MR. HOEFT: This particular development will have its own set of covenants that will be recorded at the same time the final plat is recorded, Commissioner. So that again would be done administratively.

COMMISSIONER VIGIL: Okay. So will those covenants differ or affect the design and build density or any issues that folks might have?

MR. HOEFT: Well, they're tailored for this particular parcel.

COMMISSIONER VIGIL: Right.

MR. HOEFT: So the issues that the neighbor brings up, the parking, the height, that's all been specified within those covenants.

COMMISSIONER VIGIL: And what about density? That cannot be increased, correct? Based on the final plat approval.

MR. HOEFT: That's correct.

COMMISSIONER VIGIL: Those things need to be part of the record because people's concerns with the new purchaser is that everything is going to change and I think that one of the things that needs to be done, Judy in particular and others, to know that there is exactly a final development plan that's been approved and that's what's required to be complied with and perhaps they need to be informed as to what that final development plan is.

MR. HOEFT: Well, according to the letter, they were at the original hearing that we had back in 2009 and so it sounds like they are familiar with what was ultimately approved. So I guess as we proceed down the road, a couple of years from now, as the folks are aware, proceeding at that time and that we're submitting to the County for final essentially recordation and bonding at that time.

COMMISSIONER VIGIL: And Scott, part of the problem is that there are new owners in that area and some of them weren't at the original hearing, so as much

communication as can occur with those new owners and I think you're probably creating a larger benefit for the development and for the current and existing owners.

MR. HOEFT: Correct, Commissioner.

COMMISSIONER VIGIL: Thank you, Madam Chair.

COMMISSIONER HOLIAN: Any other questions. All right. I think we've had the public hearing, right. There's nobody from the public that would like to speak on this case, for or against? Okay. Do I have a motion? What are the wishes of the Board?

COMMISSIONER ANAYA: I'll move for approval, Madam Chair.

COMMISSIONER HOLIAN: Is there a second?

COMMISSIONER VIGIL: I'll second it.

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

- XVI. A. 3. **BCC Case # MIS 10-5550 Tessera Master Plan Time Extension. Homewise Inc., Applicant, Requests a 24-Month Time Extension of the Previously Approved Tessera Subdivision Master Plan (Formerly College Hills) Consisting of 166 Residential Lots on 145.90 Acres. The Property is Located on the North Side of State Road 599, at its Intersection with Via Tessera, within Sections 17 and 20, Township 17 North, Range 9 East, (Commission District 2) Vicente Archuleta, Case Manager**

COMMISSIONER HOLIAN: Vicki, are you taking this?

MS. LUCERO: Yes, Madam Chair, I'll be presenting this. Homewise Inc., applicant, requests a 24-month time extension of the previously approved master plan Tessera Subdivision, Formerly College Hills, consisting of 166 residential lots on 145.90 acres. The property is located on the north side of State Road 599, at its intersection with Via Tessera, within Sections 17 and 20, Township 17 North, Range 9 East, Commission District 2.

On December 14, 2010 granted approval of a two-year time extension of the master plan for the Tessera Subdivision. On December 8, 2001 the EZA granted master plan zoning approval of the Tessera Subdivision which consisted of 166 residential lots on 145.97 acres to be developed in two phases.

On December 12, 2002 the EZA granted preliminary plat and development plan approval for phase 1 of the Tessera Subdivision which consisted of 88 lots. On January 13, 2004 the BCC granted final plat and development plan approval for phase 1. At the time these approvals were granted the subject property was located in the two-mile EZ District and therefore under the jurisdiction of the Extraterritorial Zoning Ordinance. The EZO stated that approval of a master plan shall be considered valid for a period of five years from the date of approval by the EZA. This would have maintained the validity of the master plan until December 18, 2006. The EZO also stated that progress in the planning or development of the project approved in the master plan consist with the approved phasing schedule shall constitute an automatic renewal of the master plan approval. Progress means the submission

of preliminary or final development plan or preliminary or final subdivision plat for any phase of the master plan project.

With an automatic two-year renewal for the preliminary plat approval of phase 1 and another two-year renewal for the final plat approval of phase 1 the master plan approval was valid until December 18, 2010. With the omission of the EZ District in 2009 this development now falls under the regulations of the County Land Development Code. The language in the code regarding expirations and renewals of master plans is consistent with the EZO.

Article V, Section 5.2.7 of the Code states master plan approvals may be renewed and extended for additional two-year periods by the Board at the request of the developer.

With the previous two-year time extension that was granted by the BCC in 2010 the master plan for the Tessera Subdivision will expire on December 18, 2012. The applicant's agent states, having recently purchased the property, Homewise, Inc. requests an opportunity through the time extension to evaluate the existing improvements and prior commitments to existing lot owners. There have been discussions of a transfer of the utilities from the City to the County. Homewise would like to more carefully review what impact that may have on the project. Homewise, Inc. anticipates designing housing prototypes and developing a marketing strategy over the next year before pursuing an aggressive construction schedule.

The improvements in phase 1 of the Tessera Subdivision are substantially complete and significant infrastructure has already been constructed in phase 2 of the development. The applicant is requesting a two-year time extension of the master plan approval which would render the approval valid until December 18, 2014.

Staff recommendation: Approval for a two-year time extension of the approved master plan for the Tessera Subdivision, phases 1 and 2, subject to the following condition. And that condition would be:

1. The applicant shall submit a new letter of credit for remaining improvements that need to be completed in phase 1 of the Tessera Subdivision.

Thank you, Madam Chair. I stand for questions.

COMMISSIONER HOLIAN: Thank you, Vicki. Commissioner Vigil.

COMMISSIONER VIGIL: Vicki, have you been out to this site at all to identify what improvements have occurred in phase 1 and the infrastructure improvements in phase 2?

MS. LUCERO: Madam Chair, the case manager did go out to the site. I have not been out to the site. The previous owner for Tessera actually had a financial guaranty pending with the County but now that the ownership changed the new owners will also have to submit a letter of credit for the remaining improvements but I'm not clear as to what exactly those are. Perhaps the agent will be able to address that.

COMMISSIONER VIGIL: What happens to the letter of financial credit when there is a transfer of ownership?

MS. LUCERO: Madam Chair, Commissioner Vigil, the current owner or the new owner would have to resubmit a letter of credit under their name to the County. So if any of the improvements aren't made to the County requirements then we would take out the letter of credit to do the improvements on our own.

COMMISSIONER VIGIL: And there's some representatives here. The improvements to phase 1, what do they constitute? What are they? Are there actual homes out there?

MS. LUCERO: Madam Chair, Commissioner Vigil, the improvements would actually include like road improvements, utilities, drainage, that sort of thing.

COMMISSIONER VIGIL: Now, that's what is claimed is infrastructure improvements in phase 2. I guess what I'm asking is if we know specifically what the improvements are in phase 1.

MS. LUCERO: Madam Chair, Commissioner Vigil, I can't answer that question. I don't know but the agent may have more information.

COMMISSIONER VIGIL: I'll wait to ask that question then. Thanks.

COMMISSIONER HOLIAN: Okay. Is the applicant here? Would you like to add anything?

[Duly sworn, Jim Siebert testified as follows:]

JIM SIEBERT: My name's Jim Siebert. My address is 915 Mercer. To give you a little background on this, the original developer of the subdivision, because of economic circumstances had to give the land back to the bank. Homewise then subsequently purchased the land from the bank. Part of the complexities in this, and the reason we're asking to take more time is that both the water and the sewer is provided by the City of Santa Fe and it's our understanding that there will be an exchange of utilities at some point in time, but we're really not fully understanding how that's going to take place or what the consequences are.

Madam Chair, Commissioner Vigil, in terms of the improvements, all the improvements are basically in. Utilities are in, roads are in. The only outstanding – the principal outstanding item is one lift of asphalt. There is asphalt down there now. It's missing one lift to basically finalize all the improvements in phase 1. The way this particular subdivision works is they began from the back in phase 1 and then were proceeding forward with phase 2 which is closest to 599 frontage road. The reason for that, because I was involved in the planning for phase 1 and the master plan is the intent was to not have construction equipment and trucks going through the first phase of development to get to the second phase.

So there is, in terms of what kind of improvements are in what would be phase 2 is that there's a considerable amount of improvements because it's a loop road. So utilities and roads and curb and gutter, with the exception of one lift of asphalt had been completed through probably 50 percent of phase 2. And I'll answer any other questions you may have.

CHAIR STEFANICS: Thank you. Commissioner Vigil.

COMMISSIONER VIGIL: Is your client Homewise?

MR. SIEBERT: Yes.

COMMISSIONER VIGIL: Okay. So my question to you would be does Homewise recognize that the original final plat and development plan have to be complied with? Or are they going to come before the Commission for an amendment or a change to that in any way?

MR. SIEBERT: Well, at this time they're kind of taking their time evaluating what the market condition is. If they would come with a change and that change is an

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intensity in use, and I'm not saying there is going to be, that's something that would require going back to both the CDRC and to the County Commission. If there's an amendment to the plan within the existing intensity of use then it would still have to go back to the CDRC. If there's a change in the plan or the plat there will have to be another hearing to consider that.

COMMISSIONER VIGIL: That's my understanding, Madam Chair, and that is the issue that becomes problematic for homeowners in the area because their anticipation and expectation was a different development and now they're looking at a development that was not part of the final plat approval. It is on the books but whether or not it will remain that way I think will be their concern. So I guess what I would recommend as one of my last statements, and I've done this Jim, since you've been here. You need to work with the neighbors if there is going to be any kind of a change because they will have concerns with regard to what actually gets requested for a change. As it stands right now there's no request for that so I think the final development plan exists and it complements the current development patterns out there. Will a new one do that? I don't know. I would just recommend that Homewise work very closely with them and I know they're capable of doing that with many of the developments that they've done.

CHAIR STEFANICS: Okay. Thank you. Any other questions for staff or the applicant? Okay, this is a public hearing. Is there anybody in the audience that would like to speak for or against? Would you please come up? You need to be sworn in and then you'll be providing your name and address for the record.

[Duly sworn, Robert Bernard testified as follows:]

ROBERT BERNARD: Robert Bernard, 2 Summer Night.

CHAIR STEFANICS: Welcome.

MR. BERNARD: Madam Chair, Commissioners, I just want to repeat or amplify the comments that Mr. Siebert made. There is in the transfer of property from the previous developer to Homewise, there is a discrepancy between the Tessera master plan as it's currently written and the mission of Homewise. The master plan in phase 1 calls for 80 market rates houses and 8 affordable houses, which complies with the County requirements. But Homewise's mission is, from discussion with some people at Homewise, their mission is to build only affordable houses and that's going to change the character of that subdivision and impact on the three houses that are already constructed there and their owners.

We're concerned, in our case, about the impact that that has on neighboring subdivisions such as Aldea and La Mirada where we live. Secondly, I wanted to amplify or second the statement Mr. Siebert said about the statement on the application for extension that the infrastructure for phase 1 was substantially complete. The road is in serious need of that second layer of asphalt. Part of the roads in that subdivision are used as an egress from Aldea, as part of the master plan requirement and we use that entrance and egress as do many other people from the subdivisions to the west.

And my third point is that the streets that are actually as built in that subdivision do not comply with the streets that show on the master plan. There are some major changes in the layout of streets. Some streets were intended to be built that aren't and some of the open space areas were specifically delineated by the streets that were in the master plan, but now those streets don't exist and there doesn't seem to be any explanation whether there was a change in the streets from the plan.

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And my fourth and last point is that it seems that Homewise is already dumping fill from one of their other subdivisions on the – right off one of the streets in the Tessera Subdivision and when I inquired at the Land Use Department currently there is no permit open for that purpose. So it seems rather strange that Homewise or some subcontractor of Homewise is using that property even before they've got an extension of the plan. That's all I have to say. I bring those things to the attention of the Commission.

CHAIR STEFANICS: Thank you very much. Is there anybody else? Yes. Come forward, sir. If you'd come up and be sworn in.

[Duly sworn, Alan Hahn testified as follows:]

ALAN HAHN: Alan Hahn, 8 Via Alterra. I'm one of the current homeowners out there. There are three houses built. When I purchased my property in 2008 I purchased it under the auspices that it was approved by the County and the covenants and homeowners' regulations – whatever – were in place, and that the roads would be completed by December of 2010. Two years ago the developer came in and got a two-year extension and it still has not been completed. And as the former person just testified the roads are in fairly – starting to break up. The pavement is breaking up. And I can't concur on another two-year extension. I think it's unwise, and also it's not the expectations with which we bought the place or bought the land and we've built a home.

I've had discussions with Homewise and I haven't come away yet with a good feeling of what their intentions are with the subdivision. We bought it as it seemed to meet the minimum design requirements and whatever and I was unable to get any commitment that they're willing to agree to those or that they're going to come in and wholesale change them. That is not what we bought into as property owners and if they're willing to build it out as it was originally approved by the County Board – it probably wasn't you folks, that's fine. But if they want to make wholesale changes to that and reduce our property values it's basically a confiscation of property rights. It wasn't what was sold and it wasn't what we purchased.

And I would have to agree with the gentleman right before me, there is a huge pile of dirt being dumped out there and I haven't been able to find any permit and I maybe just haven't looked in the right spot. But I think a one-year extension would be sufficient to finish their completion of that project. That's all I have.

CHAIR STEFANICS: Thank you very much. Anybody else that wishes to speak on this case, pro or con? We haven't asked you any questions yet, so thank you very much. So, Commissioners, questions comments? Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Madam Chair. Actually I do have questions for Mr. Siebert. On the issue of affordable homes, can you tell me whether they are all intended to be affordable homes?

MR. SIEBERT: Madam Chair, Commissioner Holian, I have with me tonight Rob Gibbs who is the real estate development manager from Homewise and I'd like him to speak to that. And let me say I can understand the concern on the part of those homeowners and lot owners and I understand, Homewise understands there has to be a considerable amount of dialogue that goes on that will have to begin in serious here shortly. But with that let me have Mr. Gibbs discuss that.

COMMISSIONER HOLIAN: Thank you.

[Duly sworn, Robb Gibbs testified as follows:]

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ROB GIBBS: Rob Gibbs, real estate manager for Homewise, 1301 Siler Road. Madam Chair and Commission, just to respond to some of the questions and comments that were brought up. We just purchased this property and closed on it in late September. We're in the process right now of just reviewing what the current market is and what our goals are going to be. We have met with Mr. Hahn, the president of the homeowners association. We have met with a couple neighboring associations to talk to them to find out what their thoughts and concerns might be and have been able to take notes on that.

Right now we have not made any formal plans of what our timeframe is and what we are proceeding to do. I can tell you this though. In phase 1, of the 88 lots there's 74 lots that we currently own and that we will be continuing to build those out as single family homes. Yes, there are eight affordable homes that are part of the master plan approval of the plat. Those will be affordable. We will be building market-rate homes throughout the development along with we probably will be selling off some lots to other custom home builders, because there's certain parts of the market that we don't serve that we want to make sure is served in the neighborhood because we do have a common interest to maintain values and neighborhoods in the community.

For this extension it's really for the second phase of the development which the infrastructure of that has not been completely designed at all, and so that's what we need a two-year extension for. In phase 1, there's a current letter of credit of around \$317,000 with the County. We are already in place with Los Alamos National Bank as a lender to come in and make the change on that as it matures here this month. So we will be replacing that, and the final lift of pavement is in our schedule to put in once the weather improves this next spring. I just received today an estimate from my contractor for the curb and gutter that needs repairs out there. There's some damaged curb and gutter, about 1,700 linear feet. I just received that. And then again, weather permitting, we'll get started on the removal and replacement of that curb and gutter.

So our plan is to go ahead and get that work all completed this next spring so it's all in good shape for the existing three homes that are built there and then for any of the lot owners that currently live out there that will be able to build in the future. In reference to do we have any wholesale changes or things we want to do to design guidelines or the covenants and restrictions, we're just in the process of reviewing all those and what our plan was is we don't plan to come in with wholesale changes in there. We will probably want to do some modifications to give us a bit more flexibility on some architectural design.

COMMISSIONER HOLIAN: Okay. Thank you, Mr. Gibbs. And do you have any comments about that fill dirt that was dumped out there?

MR. GIBBS: Sorry. On the fill dirt, there is an existing stockpile site on the development that was there for the first phase and so we placed some dirt there. We had some excess dirt from a site that was adjacent to it, because we're going to be needing some fill dirt, so that's why that was put in there.

COMMISSIONER HOLIAN: Okay. Thank you. Any other questions?

COMMISSIONER ANAYA: Madam Chair.

COMMISSIONER HOLIAN: Commissioner Anaya.

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COMMISSIONER ANAYA: Madam Chair, this request, and this goes back to Vicki first I guess. This request is a request for time extension. It does not have any material changes to the existing plat whatsoever, correct?

MS. LUCERO: Madam Chair, Commissioner Anaya, that's correct. He's not making any changes to the originally approved master plan.

COMMISSIONER ANAYA: Any material changes as Commissioner Vigil brought up earlier would have to come back to the CDRC and the Commission, depending on the level of the change, correct?

MS. LUCERO: That's correct. Yes.

COMMISSIONER ANAYA: Madam Chair, I don't have any other comments. I would add that affordable housing houses firefighters, teachers, County employees, retail workers, construction workers. I would applaud the efforts if there's an ability to provide more than eight units to provide housing for those folks. I think the intent of the master plan is intact and I would defer if there's any other comments. I'd like to hear the rest of the Commission.

COMMISSIONER HOLIAN: Any other questions? Commissioner Vigil.

COMMISSIONER VIGIL: I guess I'm having a little difficulty with this because the original plan for this was in 2001. That precedes anyone on this Commission and I'm the most tenured Commission and it even precedes me. And that I guess is for the original master plan development. And then it was -- at what year did Homewise purchase this? Was that in 2010?

MS. LUCERO: Madam Chair, Commissioner Vigil, I believe that was this year that they purchased it.

COMMISSIONER VIGIL: And I have a concern about roads and utility easements being substantially complete subdivision. It seems that a substantially complete subdivision might need to be revisited. So Vicki, how did you make the determination that that limited amount of investment was a substantially complete subdivision?

MS. LUCERO: Madam Chair, Commissioner Vigil, are you referring to the financial guaranty that they would need to submit?

COMMISSIONER VIGIL: I'm referring to the improvements in phase 1 of the Tessera Subdivision is substantially complete statement, and that is on the top of page 3, and that's a summary provided by staff.

MS. LUCERO: Madam Chair, Commissioner Vigil, that was based on the previous letter of credit that was submitted for the phase 1 development when they were approved for the final plat. They've requested several draw-downs as the improvements have been completed. So they were down to, I think, as Mr. Gibbs mentioned, \$317,000 from what started as I think it was close to \$3 million of a financial guarantee. So that's all that's left to do. It's probably a little under \$317,000 worth of improvements.

COMMISSIONER VIGIL: So I guess what you're saying you base your analysis of substantially complete on what has been drawn down from the letter of credit.

MS. LUCERO: On what was originally required and what has been accomplished.

COMMISSIONER VIGIL: Okay. Thank you, Madam Chair. That explains that.

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CHAIR STEFANICS: Thank you. I'm sorry I had to step out. Anything else? Okay is there an action item?

COMMISSIONER ANAYA: Madam Chair.

CHAIR STEFANICS: Yes.

COMMISSIONER ANAYA: I believe this is just an extension of time and I move for approval.

CHAIR STEFANICS: Is there a second? I will second. And I should actually indicate before I take the vote is that this is about treating this application equitably with the other applications that have received the two years in my opinion.

The motion passed by majority 2-1 voice vote with Commissioner Vigil opposing and Commissioners Holian and Mayfield not present.

COMMISSIONER VIGIL: I'm going to oppose, Madam Chair, only because I do agree on the equitable assessment but I don't believe Concierto at Las Campanas had an approval of 2001. And so the extension for them doesn't have as much timeframe. But I think you've got the vote, Madam Chair.

XVI. A. 4. CDRC Case # V 12-5290 William Keller Variance. William Keller, Applicant, Requests a Variance of Section 9.8 (Mountain Special Review District Standards) to Allow an Addition to an Existing Residence to Exceed 14 Feet in Height. The Property is Located at 20 La Barbaria Road, within the Vicinity of Old Pecos Trail, within Section 17, Township 16 North, Range 10 East (Commission District 4)

JOHN LOVATO (Case Manager): Thank you, Madam Chair. William Keller, applicant, requests a variance of Section 9.8 (Mountain Special Review District Standards) to allow an addition to an existing residence to exceed 14 feet in height on 13 acres. The property is located at 20 La Barbaria Road, within the vicinity of Old Pecos Trail, within Section 17, Township 16 North, Range 10 East, Commission District 4.

There is currently one dwelling unit on the property and an accessory structure. The existing residence is 2,700 square feet and the addition is approximately 500 square feet. The residence on the property is recognized as a legal non-conforming structure which was constructed in 1974. The proposed addition to the existing residence would exceed height requirements but would match the existing height of the residence of 20'9". The proposed addition would consist of an office, a laundry room and a walk-in master closet.

Currently the existing structure consists of a master bedroom, a master bath, a kitchen, a bedroom, a bathroom, a weight room and a study area. The existing structure is a flat roof and the proposed addition would match the existing residence. The proposed addition will be located on the eastern portion of the residence and will not be visible from any major arterial but will be visible from La Barbaria Road.

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Ordinance No. 2009-1 repealed Ordinance No. 1997-4, Extraterritorial Zoning Ordinance, with the exception of Section 9.8, Mountain Special Review District. Therefore this application is governed by Section 9.8, MSRD standards, which limits the height of structures with a flat roof to 14 feet and 18 feet for pitched roofs.

The applicant states a variance is needed due to the addition greatly improving the usability of the residence and would accommodate more room for his aging father-in-law and provide privacy. The applicant further states the appearance of the proposed addition is located on the eastern portion of the residence and would match the existing upper level.

On October 18, 2012 the CDRC met and acted on this case. The decision of the CDRC was to recommend approval of the applicant's request by a 6-0 vote.

Growth Management staff has reviewed the application for compliance with pertinent code requirements and finds the project is not in compliance with County criteria for this type of request.

Staff recommendation: Denial of the variance of Section 9.8, Mountain Special Review Standards. If the decision of the BCC is to recommend approval of the applicant's request staff recommends the imposition of the following conditions. Madam Chair, may I enter those conditions into the record?

CHAIR STEFANICS: Yes, you may.

[The conditions are as follows:]

1. The Applicant shall comply with all Fire Prevention Division requirements at time of development permit application (As per 1997 Fire Code and NFPA Life Safety Code).
2. The Applicant must obtain a development permit from the Building and Development Services Department for the proposed addition. (As per Article II, § 2).

MR. LOVATO: Thank you. I stand for any questions.

CHAIR STEFANICS: Thank you. Ms. Lucero, this is an anonymous letter. We don't usually take any anonymous letters. [Exhibit 9]

MS. LUCERO: Madam Chair, you're correct. It is an anonymous letter. I don't know if we need to strike it from the record at this point.

CHAIR STEFANICS: Well, I think it's really disingenuous if individuals have a comment and they don't want to put their name to it. Thank you. Questions for staff? Is the applicant here? Would the applicant like to say something?

[Duly sworn, Bryan Berg testified as follows:]

BRYAN BERG: Bryan Berg. Madam Chair, I think there's just a short list here, I think the most important being the original 1974 residence is unaltered and that the applicants are not really asking you for anything they don't already have. They're not asking to build the building any higher than it is. They're basically taking what's a really narrow, little, kind of awkward piece that sticks up and bumps out the back of it. So when you look at your documents, the photo – if you look at Exhibit 4, if you're looking at the same thing I have.

CHAIR STEFANICS: Exhibit 4?

MR. BERG: Yes. That's what you see when you come up La Barbaria headed towards the foothills. So their improvements would be on the backside of this so in addition to matching the existing height and building to the back they're also not following the greater, larger perimeter of the house. They're maintaining a setback to preserve the original volumetric qualities of the house.

All of this, mind you, is considerably more expensive than if they would have just followed the perimeter and just built on to the front. So they made a number of concessions to try to make what is quite frankly kind of unusual space viable.

So to repeat, you're not really – I know you can't set a precedent, so you're not giving them anything they don't already have. It's the same height. They just looking to bump it out a bit in the back. They're only in the MSRD by 20 feet of elevation. In fact their neighbors around them are lower so everyone else around them can do all kinds of things that they can't.

Modifications are in the rear – I just said that. They're on 13 acres with quite a bit of tree cover for the large majority of the residence. It's a lot better for them to add square footage within the existing confines of the footprint than to add on to fragile slopes that surround the house. They have numerous family needs which John touched on and if you would like them to talk about I'm sure they would.

I have a belief that it's better for the County in the scope of their land use intentions to try to make older housing stock viable, because that's a contributing factor to sprawl. We have people who will drive out to what was the big ranch past Lamy because they might want to have a newer home. So I guess I personally feel like – and I actually live just up the hill from these people and I also know in my neighborhood up there that there's a lot of house that are way, way taller than this house. Some of them are much more visible and they're all going to need work done eventually and it's something that the County is really going to have to think about how you proceed with those things because those houses are just turning into garbage because people don't want to go through the process.

So I think it's really important to maintain the housing stock we have that's that close to town. And it was approved unanimously by the CDRC. There really wasn't, I don't think, any big difficulty. I do believe land use is required by the code and by their own rules to recommend denial because by the numbers it is not a minimal easy. It's not a matter of inches. It's a matter of feet. But in this case again, for not asking for one inch more than they already have and what they're asking for is in the rear of the building. I guess that's sort of the long and short of it really.

CHAIR STEFANICS: Okay. Thank you. This is a public hearing. Is there anyone here in the audience that is here to speak for or against this variance request? Is there anybody in the audience to speak on this request? Okay, questions from the Commissioners for staff or the applicant? Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I very much appreciate the comments of the gentleman that just spoke. I think that he makes a very valid point that we need to take into consideration for the code as it relates to existing structures and expanding those existing structures if they stay within the same scope and framework as the existing structure. So I would ask Penny, you and Vicki to think about that because I think that's a very valid point. That's the only comment I have. Thank you, Madam Chair.

CHAIR STEFANICS: Thank you.

COMMISSIONER HOLIAN: Madam Chair.

CHAIR STEFANICS: Yes, Commissioner Holian.

COMMISSIONER HOLIAN: I'm sorry, I sort of missed the beginning part of this, but I did read the packet and I guess, I just want to ask – I'm not sure who the appropriate –

CHAIR STEFANICS: Mr. Lovato.

COMMISSIONER HOLIAN: Okay. Mr. Lovato, I just want to confirm with you that the addition is going to be no higher than what exists there now. Correct?

MR. LOVATO: Madam Chair, Commissioner Holian, that is correct.

COMMISSIONER HOLIAN: Okay. Thank you.

CHAIR STEFANICS: Thank you. Is there a motion?

COMMISSIONER HOLIAN: Madam Chair, I move for approval.

COMMISSIONER ANAYA: Second.

CHAIR STEFANICS: With the conditions?

COMMISSIONER HOLIAN: With the conditions. With staff conditions.

CHAIR STEFANICS: Okay. Any further discussion?

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

- XVI. A. 5. **CDRC Case # V 12-5120 John & Virginia Kraul Variance. John & Virginia Kraul, Applicants, Request a Variance of Article III, Section 10 (Lot Size Requirements) of the Land Development Code to Allow Two Dwelling Units on 0.90 Acres. The Property is Located at 7 Camino La Llorona, within the Traditional Community of Canada de los Alamos, within Section 27, Township 16 North, Range 10 East (Commission District 4). John Lovato, Case Manager. [Exhibit 10: Petition and photos]**

JOHN LOVATO (Case Manager): The property is located within the Traditional Community of Canada de los Alamos where the minimum lot size is 0.75 acres per dwelling. The subject lot was created in 1998, by way of a Family Transfer. There is currently a permitted residence, which is a modular unit; a modular unit with bath facilities which was permitted as an accessory structure and is now proposed to become a dwelling; an accessory structure used for storage; a garage; and a proposed storage shed on the property. The current accessory structure proposed for use as a residence is a 625 square foot modular unit.

In March of 1998, the Applicants obtained a permit for an accessory structure. The structure was then converted into a dwelling unit without authorization from the County, and the Applicant's sister resides in that unit. On October 7, 2011 a Notice of Violation was issued for exceeding density. Following issuance of the Notice of Violation, the Applicants converted the unit back to an accessory structure, as verified through an inspection. The Applicants are now in compliance with what was permitted in 1998.

The Applicants state, a variance is needed due to the sister's medical condition. The

Applicant's sister has never had an income. The Applicants claim providing their sister with an affordable place to reside would provide their sister with emotional and financial support, along with peace of mind that she will have a place to call home and will also insure she has care and support from her family in the future.

On October 18, 2012, the CDRC met and acted on this case. The decision of the CDRC was to recommend denial of the Applicants' request by a 4-2 vote.

Growth Management staff have reviewed this Application for compliance with pertinent Code requirements and finds the project is not in compliance with County criteria for this type of request. Staff recommendation: If the decision of the BCC is to recommend approval of the Applicant's request, staff recommends imposition of the following conditions. Madam Chair, may I enter those conditions into the record?

CHAIR STEFANICS: Yes, you may.

Conditions:

1. Water use shall be restricted to 0.50 acre-feet per year per home. A water meter shall be installed for each residence. 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 (As per Article III, § 10.2.2 and Ordinance No. 2002-13).
2. The Applicant must obtain a development permit from the Building and Development Services Department for the additional dwelling unit. (As per Article II, § 2).
3. The Applicant shall provide an updated liquid waste permit for both homes from the New Mexico Environment Department with the Development Permit Application (As per Article III, § 2.4.1a.1 (a) (iv)).
4. The placement of additional dwelling units or Division of land is prohibited on the property. (As per Article III, § 10).
5. The Applicant shall comply with all Fire Prevention Division requirements at time of development permit Application (As per 1997 Fire Code and NFPA Life Safety Code).

CHAIR STEFANICS: The first question I have before we go to the applicant is why do we have pictures of a refrigerator and a sink and some other things in this?

MR. LOVATO: Madam Chair, at the time the inspection was done we took photographs of everything. Where the kitchen was, where the sinks were just for proof that everything that everything had been removed for staff files.

CHAIR STEFANICS: I understand, okay. So is the applicant here? Do you have anything you'd like to say? So would you rise and be sworn in.

[Duly sworn, Virginia and John Kraul were duly sworn]

VIRGINIA KRAUL: My name is Virginia Kraul and I live 07 Camino La Llorona.

JOHN KRAUL: And I'm her husband, John Kraul, and I live at 07 Camion La Llorona also.

CHAIR STEFANICS: Okay.

MS. V. KRAUL: So we are here today to request a variance to convert the accessory structure into a dwelling.

CHAIR STEFANICS: Could you speak into the mike?

MS. V. KRAUL: We are here today to request a variance to convert the

accessory structure into a dwelling. My sister in-law is living in there and she has really nowhere else to go and she is un – she's not medically stable and she needs assistance daily.

And I don't know if you received the other petitions?

CHAIR STEFANICS: Yes. We're asking for your presentation. We're not talking about anything else. So just give us your presentation before I go to the public hearing, please.

MS. V. KRAUL: Okay. We would appreciate if we would be able to turn this into dwelling.

CHAIR STEFANICS: Okay, thanks. Do you have anything to say, sir?

MR. J. KRAUL: Nothing.

CHAIR STEFANICS: Okay, great. Thanks for coming. Okay, we're at the point at public hearing. Are there individuals in the audience that would like to speak for or against this request? Okay, I have two hands. Anybody else? I have three hands. Three, okay so would everybody who is going to speak come up all at once so you can be sworn in at once. Please. This is our transcriber, she needs to swear everybody. Are you also coming up? Okay. So let's get everybody up here who is going to speak. So when you speak I need you all to use the microphone. Identify yourself by name and your address so whoever would like to start.

[Duly sworn, April Velasco testified as follows]

APRIL VELASCO: Hi, my name is April Velasco and I live at 14 Camino La Llorona and I approve of this.

CHAIR STEFANICS: You support this?

MS. VELASCO: Yes, I support it.

CHAIR STEFANICS: Thank you so much. The next person.

[Duly sworn, Andreas Garcia testified as follows]

ANDREAS GARCIA: Andreas Garcia, 107 Cañada Village Road. I speak in behalf of the rest of the Garcias – the better there. We all approve this motion we'd like to see this lady have a place to be able to call home. Thank you.

CHAIR STEFANICS: Thank you very much. Next.

ANTONIO VELASCO: My name is Antonio Velasco. I live at 7 Camino La Llor – I mean 14 Camino La Llorona and I approve this. I just want a place for my wife's aunt to call home.

CHAIR STEFANICS: Thank you very much for coming. Yes, ma'am. No, I need your name and address please.

[Duly sworn, Joyce Kraul testified as follows]

JOYCE KRAUL: My name is Joyce Kraul and my address is 6-C Camino La Llorona and also [inaudible] Cerro Gordo.

CHAIR STEFANICS: Okay, go ahead. One person at a time, please, to speak.

MS. J. KRAUL: Okay, well, although we sympathize with the situation we feel that John and Virginia should not be allowed to have two dwellings on their property for the following reasons. We feel that their property is too small, 0.90 acres to accommodate all these structures already on the property. Their residence, they do studio, a garage, and a half of singlewide trailer and their accessory structure-type dwelling that they're talking about.

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This does not include, well, like, you know, their easements, and they also have to have a hammer turnaround, hammerhead turnaround.

Miguela has been on the property – on that place since February 2011 after she gave her inheritance property to John and Virginia’s daughter, Amanda Kraul Rodriguez. Prior to Miguela living there they had it rented to a – well, they had it rented and also they had Amanda and her then boyfriend, Ruben, living within that structure.

When John and Virginia’s survey plat – well, they do have a studio that is – with a bath and kitchen. But, instead, of – they have that rented out to a [inaudible] pottery for storage. And like three or four times out of the year they have like a semi – like a semi, what would you call it?

EDWARD KRAUL: Semi-trailer. We have pictures of it.

MS. J. KRAUL: We have a picture. It’s there. It’s really in the way and it’s just really awkward. And, because the property is so small for all of this existing structures it is very congested and difficult to drive through. Cars are pulling out of all directions. It is congested with vehicles, with their own vehicles – they have quite a few. They have five and they have a trailer. And when they have visitors it’s – and John also works on other people’s cars [inaudible] garage, and it makes very difficult and dangerous to drive through there especially in the winter time.

Perhaps it would be different if John and Virginia’s lot was in the back, not the first lot of seven other lots that have to drive through with this congestion.

We feel bad for Miguela’s situation, like we said before. John and Virginia’s house is big enough to have her live with them. I believe they said they have six bedrooms. Amada – well, when Miguela gave Amada her property she could care for her, you know, she did give her inheritance. Miguela could also move into, like I said, John and Virginia’s already existing studio. Miguela could possibly qualify for some kind of low-income home if she wanted I suppose. Miguela is still young and she might meet someone and possibly get married. If Miguela would have used her property as a density to put a second dwelling on John’s property it would not have come to this unfortunate situation.

And, also, we have –

MR. E. KRAUL: We were misinformed.

CHAIR STEFANICS: Just one at a time. Let her finish.

MS. J. KRAUL: Also we have some papers –

MR. E. KRAUL: We submit a packet but we were misinformed.

CHAIR STEFANICS: Wait a minute. We need to your name, sir.

MS. J. KRAUL: Can I just give you some pictures.

CHAIR STEFANICS: Okay, give it to the staff, Mr. Lovato. Okay, so please introduce yourself and your address.

[Previously sworn, Edward Kraul testified as follows]

EDWARD KRAUL: My name is Edward Kraul, 6C La Llorona. We were misinformed by personnel here at the County. We were submitting a package and they told us to submit the package by the 14th. We had the intention that the package was submitted to the Development Review Board was going to be submitted to you guys and everything so that’s why you didn’t get a package from us on all this material because we were misinformed by personnel here. And if you could have reviewed all of this, you could have

reviewed all of this prior if we would have been informed properly. Because we were misinformed by John Lovato that they were going to submit what we submitted to the other board of – that they were going to submit to you materials we are submitting to you now. Because we have a petition of everybody in the historical village that doesn't want this and this is what you should have reviewed prior to coming to this meeting.

And, like I said we were misinformed by County personnel. And if you would have taken the time to review this document that we submitted through the Development Review Board then you would be aware of exactly what is going on. You don't have the time – you didn't this in front of you as you do now. If you take the time to review it. Because the density on that property it shows. The petition is from everybody in the historical. This gentleman that spoke, Garcia, he doesn't live in the historical. He lives in Cañada but he doesn't in the historical. We're talking about the historical 20 acre tract in the Village of Cañada de los Alamos and a lot of the neighbors who signed the petition is very concerned about septic systems and congestion of traffic and to have two dwellings on one property. I mean, you just can't have two houses on one property because someone is ill.

CHAIR STEFANICS: Okay. Is there anything else?

MR. E. KRAUL: No, I'm fine, thank you.

CHAIR STEFANICS: Okay, well, we really appreciate you coming and sharing that with us.

MR. E. KRAUL: Thank you.

CHAIR STEFANICS: Thank you very much. Is there anybody else who wanted to speak? Yes, the woman in the green, are you wanting to speak? Is that a yes or a no? Are you wanting to speak? You raised your hand; are you wanting to speak? Okay, come up please and be sworn in. Is there anyone else that wants to speak during this public time? Okay, wait a minute. You are encouraged if there is anybody else in the audience. I just want to go through this one more time swearing in. Okay, come on up. Everyone will get sworn in at once.

Okay, so if you would introduce yourself by name and address.

[Duly sworn, Miguela Martinez testified as follows]

MIGUELA MARTINEZ: My name is Miguela Martinez. I live at 07 Camino La Llorona. My brother has brought up the issue of me having land. When I came back – I lost my husband. He died five years ago from Agent Orange. My family shipped me all around trying to get me to – you know, get over – try to live with it. I was married for 20 years. I came back. I tried to get a loan on my land. When my husband died I only got a spousal benefit. I do not make enough money on that land. So that is why I gave it to my niece because she needed a home for her husband and her two children. I have a nice little studio that I am living in. That's all I have. That's all I am asking for is to stay where I am. To be around my family. That is all. I thank you very much.

CHAIR STEFANICS: Thank you very much for coming tonight and speaking. Yes, sir. Your name and address.

[Duly sworn, John Quintana testified as follows]

JOHN QUINTANA: My name is John Quintana. I live at 116 Bob Street. I have known Miguela for many, many years and I'm aware of her physical and emotional state. She really does need the support of her family. But I want to address one thing about

low-income housing. She is a single individual. She is not over 62. She does not meet the disability requirement. She is not eligible. There is nothing that can be done. I work for the Santa Fe Civic Housing Authority. She can't go and apply. So that is not an option. Thank you.

CHAIR STEFANICS: Thank you very much for coming this evening. Okay, is there either any questions of staff. Yes.

COMMISSIONER ANAYA: I have a few questions.

CHAIR STEFANICS: Commissioner Anaya and then Commissioner Holian.

COMMISSIONER ANAYA: Madam Chair and the applicant, if you guys could stand up. Have you reviewed each of the four conditions associated with the request? Restriction of the .25 acre-feet of water, the need to acquire a building development permit, the need to get a permit for liquid waste which isn't our – if this were to be granted then you would have to get a permit from them and they would have to whether or not the seepage is correct and whether or not you environmentally could put that in; do you understand that?

MR. J. KRAUL: Yes, sir.

COMMISSIONER ANAYA: They could potentially not approve it and that doesn't have anything to do with us.

MR. J. KRAUL: Yes, sir. But see you were misled again. I do own a three-bedroom house and I have a septic, I have a permit there for a four bedroom already. A lot of this you're being misled by Mr. Kraul, I'm sorry.

COMMISSIONER ANAYA: Oh, no. I'm not speaking to that. I'm just speaking to – the Environment Department would be the one who would have to approve and issue one, not us.

MR. J. KRAUL: Yes, sir.

COMMISSIONER ANAYA: And then the compliance requirements associated with the fire could involve needing space to have an appropriate hammerhead turn.

MR. J. KRAUL: Yes, sir. If you look on the pictures we gave you.

COMMISSIONER ANAYA: I looked at the pictures. I just want to make sure that you –

MR. J. KRAUL: We've already gone through the Fire Marshall and he's already approved it and he's already seen where we have it and we have a turnaround.

COMMISSIONER ANAYA: You know what you have to do?

MR. J. KRAUL: Yes, we've already done everything that the County has asked us to do, sir.

COMMISSIONER ANAYA: That's all I have, Madam Chair.

MR. J. KRAUL: Yes, sir.

CHAIR STEFANICS: Mr. Patty, why don't you come forward in case there are questions for you. Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Madam Chair. Mr. and Mrs. Kraul, is there a reason why your sister can't live in the primary residence that is on that lot?

MR. J. KRAUL: Well, because she probably would like her own privacy rather than to be living with me. And, like I said, it's already there. I already have a permit for it. All we're asking for is just to put a kitchen in. She already has a bathroom. I'll be doing is asking to turn it into a dwelling. If she lives in my house or if she live in that little

apartment, she's going to use the same water. She's going to use the same – anything she uses in my house she's going to use in there. The only thing is she'll have a little bit more of her own privacy, you know, for herself. That's the only thing. Because right now we have a permit since 10 years ago for that structure. We're not changing nothing.

COMMISSIONER HOLIAN: It does seem like a fair amount of structures on your property.

MS. V. KRAUL: Yes, so actually, that's why I wanted you to take a look at the pictures because if you look at the ones that I just gave you with the additional petition that was signed. The entrance, number one is an easement, two is the hammerhead turnaround, three as you can see is one side of the property, okay. And as you get into the other side from the County, and let me find it for you, on NB 825, that is the opposite side of the easement. So the property is split up in between the easement. So the aerial view does look like everything is congested but if you're looking at it like you're at a picture, you can see that it's not all congested.

COMMISSIONER HOLIAN: And then I had a question about the petition. The petition that we have in our packet that was submitted by Edward Kraul, I believe, has quite a few more names on it. So this is a subset of the people who signed the petition who are reversing their position; is that what you're claiming?

MR. J. KRAUL: Yes, ma'am. The one he had signed he had signed from probably people downtown and all over the neighborhood except for where we lived. The people that live in the village of Cañada. I did go to their home and that's why I got this new petition for you because they did not understand what we were doing. They thought that we were subdividing property and these are things that were misled and there were some names that Mr. Kraul has on his list I have on mine now with phone numbers and you can call them because now they understand what is going on and they do not have a problem with this. None of the neighbors up there. And I'm talking about the people who live in the village with us, not outsiders that live over a mile or farther that he has on that list.

I could have went down, miles down that road and just kept getting them but I didn't do that. I just got people who live in the village itself, where I live.

COMMISSIONER HOLIAN: Thank you, Mr. Kraul. I have a question for Mr. Edward Kraul, do you have a comment on that on the petition issue?

MR. E. KRAUL: I haven't seen any petition that they submitted. If you look at all the addresses on our petition they're everybody in the village.

MS. J. KRAUL: And when we went to get their signatures we gave them a look with some pictures, we gave them that one we gave you I guessed it's called a side view of their property and how congested it was. And also because [inaudible] and we did get [inaudible] and maybe it is so that we did get some from neighboring – there's not more than one mile away, half a mile away.

COMMISSIONER HOLIAN: All right. Okay, all right. Okay, that's enough. I understand.

CHAIR STEFANICS: Commissioner Holian, has had her questions answered, thank you.

COMMISSIONER HOLIAN: I'm done.

CHAIR STEFANICS: Other questions, comments? Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I would move for approval with all staff conditions.

CHAIR STEFANICS: Is there a second.

COMMISSIONER VIGIL: I'll second it for further discussion.

CHAIR STEFANICS: Okay. There's a motion and a second and we're still on discussion. Commissioner Vigil.

COMMISSIONER VIGIL: Okay, so I guess I'm trying to get a visual of this because all I have are pictures and I'm not sure who answered this. Currently, your sister is actually living there and under the current County guidelines she's allowed to live there because it's considered a guesthouse; is that it, Vicki? Or what's the situation with that?

MR. LOVATO: Madam Chair, Commissioner Vigil, she is not allowed to live in the guesthouse. It's not really even a guesthouse right now. It's an accessory structure.

COMMISSIONER VIGIL: It has a bathroom?

MR. LOVATO: Yes, it has a bathroom. But it doesn't have a kitchen and currently our accessory structure ordinance constitute a dwelling as having a bathroom and a kitchen. She's either allowed a bathroom or a kitchen but not both.

COMMISSIONER VIGIL: So if it was a guesthouse would we be going through this same procedure?

MR. LOVATO: Madam Chair, Commissioner Vigil, we would be going through the same procedure. They exceed the density.

COMMISSIONER VIGIL: Okay.

CHAIR STEFANICS: On that point may I ask a question?

COMMISSIONER VIGIL: Please.

CHAIR STEFANICS: Penny, in the new code people are going to be allowed to have a guesthouse.

PENNY ELLIS-GREEN (Land Use Administrator): Madam Chair, Commissioners, it would not be called a guesthouse. It would be an accessory dwelling unit for a family member. But it's smaller than the existing house and I believe we've had a - it's up to 1,000 square foot. So that's a proposal on the new code.

This permit was approved as an accessory structure and not as a guesthouse and you can't live in an accessory structure. But under the new code you are correct that we would allow a permit for an accessory dwelling unit.

CHAIR STEFANICS: So, on this point still, because Commissioner Vigil still has the floor and I'll go to another on this point, but on this point, we are a few months away from approving something that would allow this. Is that correct?

MS. ELLIS-GREEN: Madam Chair, Commissioners, yes, you maybe. I am not sure what kind of public comments we've got on that section of the code and we haven't had direction from the Board as to whether or not the Board wants to see that section remain in the code. The next time we come in front of the board we should have an analysis and the staff is recommending that we have that permit allowed under the code. So, yes, we may be within six months of approval of that.

CHAIR STEFANICS: Okay, on this point, Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, on this point is the premise of

my motion. We have had public comment and feedback I believe from at least one of my colleagues and I know I have been supportive of that amendment in the new code and that's my reason around doing it now with staff conditions. Thanks.

CHAIR STEFANICS: Thanks. Commissioner Vigil, you still have the floor.

COMMISSIONER VIGIL: I was just asking my colleague if the dwelling was under 1,000 square feet which would comply with the new development code and I guess it is; is that correct?

CHAIR STEFANICS: Mr. Lovato?

MR. LOVATO: Madam Chair, Commissioner Vigil, that is correct. It is 625 square feet.

COMMISSIONER VIGIL: One question that I need to ask in one of the photos that we saw we actually saw a fence for cattle; is that correct?

MR. LOVATO: Madam Chair, Commissioner Vigil, that is correct. It is an old photograph.

COMMISSIONER VIGIL: So does that exist now?

MR. LOVATO: That no longer exists.

COMMISSIONER VIGIL: Okay.

CHAIR STEFANICS: Anything else?

COMMISSIONER VIGIL: Could you identify the use of each building that's currently now in existence?

MR. LOVATO: Madam Chair, Commissioner Vigil, they have two storage units – a storage unit and a garage structure. They have –

COMMISSIONER VIGIL: Is that adjacent to the house?

MR. LOVATO: Right, it's opposite the road easement. And they also have the primary residence and the studio.

COMMISSIONER VIGIL: And which is the – is it the studio we're looking at to create a variance for or is there a separate dwelling?

MR. LOVATO: Madam Chair, Commissioner Vigil, it is the existing studio.

COMMISSIONER VIGIL: I heard testimony that that's currently being leased for storage space. Clarify that conflicting testimony for me.

MR. LOVATO: The existing studio is not being used. I was one of the code enforcement officers that went out on site and it was just explained as a studio accessory structure.

COMMISSIONER VIGIL: So is there a unit that is being leased for storage space?

MR. LOVATO: Madam Chair, Commissioner Vigil, I cannot answer that question. Perhaps the applicant can.

COMMISSIONER VIGIL: Okay, I see a no nod. Thank you very much.

CHAIR STEFANICS: Thank you. Any other questions or comments. There is a motion to approve the variance with staff conditions. If there is no further questions, we will vote.

The motion tied by 2-2 vote with Commissioners Stefanics and Anaya voting for Holian and Vigil voting against.

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CHAIR STEFANICS: We have a tie vote and the case is laid on the table.

COMMISSIONER ANAYA: It goes to the next meeting right?

CHAIR STEFANICS: Not necessary. It is on the table unless somebody makes a motion.

COMMISSIONER ANAYA: I'll clarify that we've had two-two votes that go to the next meeting for strictly reasons of voting so to be consistent with that –

CHAIR STEFANICS: Mr. Ross.

MR. ROSS: Madam Chair, Commissioner Anaya, that's correct.

COMMISSIONER ANAYA: Thank you, Madam Chair.

CHAIR STEFANICS: Okay, so, Mr. Ross, this will just roll over to next month?

COMMISSIONER ANAYA: Just for a vote.

MR. ROSS: Just for a vote. Vote only.

CHAIR STEFANICS: A vote only.

MR. ROSS: Right. When Commissioner Mayfield is here.

CHAIR STEFANICS: Okay and even though we'll have a brand new Commissioner, they wouldn't have the opportunity to hear the case.

MR. ROSS: No, they'll have to acquaint themselves with transcript, using a transcript, the minutes and the exhibits involved here.

COMMISSIONER ANAYA: It's only a vote?

MR. ROSS: It's only a vote. Vote only.

CHAIR STEFANICS: Thank you very much so that we're all clear on that, thank you for that clarification, Commissioner and Mr. Ross.

Okay, so it's obviously going to the next meeting. Thank you.

XIV. MATTERS FROM THE COUNTY ATTORNEY

A. Executive Session

1. Discussion of Pending or Threatened Litigation

a. The Settlement Agreement and General Release of Claims By and Between Joseph Miller and the Board of County Commissioners

b. The General Release of Claims By and Between David Mitchell as Next Friend and Personal Representative of the Estate of Mitchell and the Board of County Commissioners and Dennis O'Brien

2. Limited Personnel Issues

CHAIR STEFANICS: I understand that we have one or two legal matters we must take care of, Mr. Ross.

MR. ROSS: Madam Chair, that's correct. There are two settlement matters that are listed there on the agenda under pending or threatened litigation and we do need to talk limited personnel issues as well.

CHAIR STEFANICS: Okay. Is there a motion for going into executive session for discussion of pending or threatened litigation and limited personnel issues?

COMMISSIONER HOLIAN: So moved.

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SANTA FE COUNTY BOARD OF COUNTY COMMISSIONERS
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CHAIR STEFANICS: Is there a second?
COMMISSIONER ANAYA: Second.

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

CHAIR STEFANICS: For the public, it is ten minutes to nine. We will probably be out for an hour and after we'll have some action items.

[The Commission met in closed session from 8:50 to 9:40.]

COMMISSIONER VIGIL: Okay. I think I can, Madam Chair. I move we come out of executive session where the only items that were discussed were litigation matters that we will be taking action on and personnel action matters. The only ones present in the executive session were Commissioner Anaya, Commissioner Stefanics, Commissioner Holian, myself, Steve Ross, our County Attorney, Penny Ellis-Green, Deputy County Manager, and Kathy Miller, County Manager. We also made a phone call to the incoming Commissioner, Miguel Chavez.

COMMISSIONER HOLIAN: Is there a second?

COMMISSIONER ANAYA: Second.

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

XIV. B. Consideration and Approval of the Settlement Agreement and General Release of Claims By and Between Joseph Miller and the Board of County Commissioners

CHAIR STEFANICS: Okay, we are now on item XIV. B.

MR. ROSS: Madam Chair, for the last two years we've been engaged in settlement negotiations through the Court of Appeals appellate mediator program and we reached a settlement with Mr. Joe Miller representing a number of different entities of course concerning three appeals that he has filed in various courts in the state of New Mexico listed on the front page of the settlement agreement. The settlement agreement is a number of pages and covers a number of topics related to disposition of developments that Mr. Miller proposes to develop in the future here in Santa Fe County.

With that I'll stand for questions.

CHAIR STEFANICS: Are there any questions for Mr. Ross?

COMMISSIONER HOLIAN: Madam Chair, I move for approval.

COMMISSIONER VIGIL: Second.

CHAIR STEFANICS: Questions, discussion?

The motion passed by unanimous [4-0] voice vote. [Commissioner Mayfield was not

present for this action.]

CHAIR STEFANICS: Thank you. We have approved the settlement agreement for Mr. Joe Miller and Santa Fe County.

XIV C. Consideration and Approval of the General Release of Claims By and Between David Mitchell as Next Friend and Personal Representative of the Estate of Mitchell and the Board of County Commissioners and Dennis O'Brien

MR. ROSS: Madam Chair, recall that a default judgment exists in federal court in Albuquerque that was procured by one Walter Mitchell who is now deceased. The judgment was in the amount of \$3 million and concerned a police shooting in 2002 between a Santa Fe County deputy and Mr. Mitchell who was wielding a sword and threatening his neighbors. The County attempted to gain release from the judgment through the federal court and was subsequently required by the federal court to file an independent action against the estate of Mr. Mitchell which the County did. Literally, on the eve of trial on the County's request that the court relieve the County of the judgment, a settlement was reached between Mr. Mitchell's estate and the County whereby the County would pay \$100,000 approximately, two percent of the two million plus dollars judgment in federal court to obtain relief from the judgment. And that is what we're considering here.

The mutual release of liability provides that in consideration of the payment by the County to the estate of \$100,000 the three plus million dollar claim would be declared null and void by the federal court. That's what this item does. I stand for questions.

CHAIR STEFANICS: Are there any questions?

COMMISSIONER VIGIL: Madam Chair.

CHAIR STEFANICS: Commissioner Vigil.

COMMISSIONER VIGIL: I move for approval.

COMMISSIONER HOLIAN: Second.

CHAIR STEFANICS: There's a motion and a second for the approval of this general release of claims by and between David Mitchell and the County.

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

COMMISSIONER VIGIL: Madam Chair.

CHAIR STEFANICS: Yes.

COMMISSIONER VIGIL: On the personnel matter, which is consideration and approval of an amendment to –

CHAIR STEFANICS: We have one more item. I'm sorry.

COMMISSIONER VIGIL: One more item?

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XIV. D. Resolution No. 2012-168, a Resolution Requesting a Budget Increase to the General Fund (101) to Budget Cash to Fund the Settlement Agreement in the Case of O'Brien and Santa Fe County vs. Mitchell. (\$100,000) (Finance/Teresa Martinez)

CHAIR STEFANICS: I move for approval.

COMMISSIONER HOLIAN: Second.

CHAIR STEFANICS: Any discussion?

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

XIV. E. Consideration and Approval of Amendment No. 1 to the Employment Agreement by and Between Katherine B. Miller and the Board of County Commissioners

CHAIR STEFANICS: Commissioner Vigil.

COMMISSIONER VIGIL: Thank you. And I'm sorry to rush it. Madam Chair, members of BCC, on the item of consideration and approval of an amendment to the contract agreed between Katherine Miller and the Board of County Commission, that action will actually be taken in January. However, everyone is pleased and happy and no negative statements were made about the work that Katherine has done. As a matter of fact it was all positive and I think that moving forward with this the consensus was that the Commission should have done this quite some time ago in accordance with her contract so I think we're going to be moving forward and making the amendment for the extension in January and I was really pleased to hear the comments of how much Katherine Miller is appreciated and I hope that that gets validated for her when I'm gone. I'm sorry I'm not going to be here to validate it but maybe I'll just show up.

CHAIR STEFANICS: Thank you, Commissioner Vigil, and we do have a missing Commissioner and a new Commissioner starting that will participate in this.

XIII. E. Commissioner Issues and Comments (Non-Action Items)

CHAIR STEFANICS: Are there any matters from the Commission at this time?

COMMISSIONER HOLIAN: Madam Chair.

CHAIR STEFANICS: Commissioner Holian.

COMMISSIONER HOLIAN: I would just like to put on the record, even though nobody's here to hear it how much I really appreciate all the really hard work and creative work that Katherine Miller has done. I think that she's brought a real level of professionalism to the County and I couldn't be happier with her performance.

CHAIR STEFANICS: Thank you.

COMMISSIONER VIGIL: I'd like to make statements but I won't be here to

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make them. And I won't say anything that I didn't say in executive session. I think Katherine is worth her weight in gold and I don't think we let her know how much we appreciate her often. The responsibility of the County Manager is one that's very tenuous and very demanding and stressful and I appreciate the way Katherine has handled and balanced her ability to work with other government entities, with staff, with the state. It's phenomenal. And actually on that from my experience and I so appreciate the talent and the value, the insight, the knowledge, and the abilities that she's been able to move the County forward towards what I perceive as a huge necessary cultural change and that's why she was brought in and she's fulfilling those commitments. I'm so pleased to have worked with her. I definitely will miss her.

CHAIR STEFANICS: Thank you. I would ditto your remarks about our County Manager but I would also thank you, Commissioner Vigil, as one of the last items of the evening. I know you had many kind things and wonderful things said about you today but you will truly be missed. Thank you. Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, ditto those comments. Ditto the work of the Manager. The Manager has a lot of resources that we were fortunate to get through the bond issuance that we're going to have – I'll call it fun and work in the process of putting infrastructure resources in the field and in the community which is going to be greatly welcome and needed. So we look forward to those projects and challenges that lie ahead

Also, Commissioner Vigil, once again, thanks. It's been a pleasure. We know you're not going away and you're always going to be committed to the community but it's always been interesting and challenging and there's been a lot of accomplishments based on your work and your effort. So once again, good luck and thanks again. Chair Stefanics, I want to congratulate you before the next meeting on your work as chair of the Commission and thank you for your work and your efforts in taking on that challenge and doing a good job and vice chair and chair-elect, congratulations and I look forward to working with you and vice chair Mayfield in the coming year, and Commissioner-elect Chavez.

I'm going to switch Commissioner Stefanics's chair back over here so I'm going to give her her chair back and I'm going to switch back over there to the other corner I guess. But I enjoyed it and it's also great. Steve also, and our recorders and all the staff. Our year is coming to a close and a new one is starting and there's always a lot of challenges that we can all face together to try and do what's best for the citizens. So thanks to all and Merry Christmas and Happy New Year.

CHAIR STEFANICS: Thank you very much.

XVII. ADJOURNMENT

Having completed the agenda and with no further business to come before this body, Chairwoman Stefanics declared this meeting adjourned at 9:50 p.m.



Approved by:

Kathleen Holm
Board of County Commissioners
Liz Stefanics, Chairwoman

Geraldine Salazar
~~VALERIE ESPINOZA~~ GERALDINE SALAZAR 1/29/13
SANTA FE COUNTY CLERK

Respectfully submitted:

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