

SANTA FE COUNTY
BOARD OF COUNTY COMMISSIONERS
MEETING

December 8, 2009

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

SANTA FE COUNTY
REGULAR MEETING
BOARD OF COUNTY COMMISSIONERS

December 8, 2009

This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 3:10 p.m. by Chair Mike Anaya, in the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

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

Members Present:

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

Members Excused:

None

V. INVOCATION

An invocation was given by Deputy Community Services Director Agnes Lopez.

VI. APPROVAL OF AGENDA

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- B. Tabled or Withdrawn Items**

ROMAN ABEYTA (County Manager): Thank you, Mr. Chair. This is our last meeting for the year and as a result we do have some things we needed to add to the agenda and things that we have found that weren't quite ready and we will table. The first

* Commissioner Vigil participated telephonically during the meeting.

amendment coming under X. Matters from the Commission, we added E, election of a County Commission chair for 2010. We added F, election of a County Commission vice chair for 2010.

Under Consent Calendar, XI. B. Miscellaneous, we are tabling item number 3, which is approval of a grant agreement between Santa Fe County and DFA in the amount of \$695,250 for the purchase property for a mountain center in Santa Fe County. We haven't received the grant agreement from the State of New Mexico yet and therefore that's being tabled at this time.

Still on the Consent Calendar but under Findings of Fact, item number 3, CDRC Case APP 08-5351, the Sue Barnham Appeal, that's going to be tabled. Under Staff and Elected Official Items, I need to clarify that B, Community Services Department 1, the ordinance amending Section 7.A of Ordinance 1997-11, this is just title and general summary of that ordinance. The ordinance will come forward in January.

Under Matters from the County Manager we added item number 3 which is an update regarding our strategic plan. D. Matters from the County Attorney, we added adoption of the first amendment to fourth amendment to the private participation and land transfer agreement between Santa Fe County, La Luz Holding, LLC and Santa Fe Film and Media Studios, LLC.

Under executive session, item number 2, discussion of pending and threatened litigation, we've added discussion of proposed stipulation in PRC Case 09-00260-UT. And item number 3 we added, which was discussion and possible action regarding the proposed stipulation in relation to PRC Case 09-00260-UT. We won't be ready to take action today on that so we're requesting that that be tabled. But we can have discussion in executive session on that matter.

Other than that, those are the changes that staff has to today's agenda.

COMMISSIONER HOLIAN: Move for approval with amendments.

COMMISSIONER MONTOYA: Second.

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

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

VII. APPROVAL OF CONSENT CALENDAR

A. Consent Calendar Withdrawals

CHAIRMAN ANAYA: Are there any withdrawals from the Consent Calendar? Is there a motion?

COMMISSIONER HOLIAN: Move for approval of the Consent Calendar.

COMMISSIONER STEFANICS: Second.

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

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

XI. CONSENT CALENDAR

A. Community Funds

- 1. Approval for an Expenditure of Community Funds in the Amount of \$5000 to the Quivira Coalition for Support of Their Carbon Reduction to Profitability Pilot Project (Commissioner Holian)**
- 2. Approval for an Expenditure of Community Funds in the Amount of \$5000 to the Santa Fe Alliance to Support Their Food and Fuels Project (Commissioner Holian)**
- 3. Approval for an Expenditure of Community Funds in the Amount of \$800 for Recognition of the Pojoaque Elkettes (Commissioner Montoya)**
- 4. Approval for an Expenditure of Community Funds in the Amount of \$3,230.90 for Santa Fe County Sheriff's Department Office Improvements (Commissioner Anaya)**
- 5. Approval for and Expenditure of Community Funds in the Amount of \$580.00 for One Seasonal Employee At Health and Human Services (Commissioner Anaya)**
- 6. Approval for and Expenditure of Community Funds in the Amount of \$1,000 for the Santa F E County 4-H Turquoise Trail Wranglers (Commissioner Anaya)**

B. Miscellaneous

- 1. Request Approval of the Memorandum of Understanding Between the County and AFSCME Recognizing Job Classifications to Be Covered By AFSCME (Human Resources)**
- 2. Approval of Intergovernmental Agreement Between the New Mexico Environment Department and the County of Santa Fe (Legal)**
- 3. Approval of Grant Agreement Between Santa Fe County and DFA in the Amount of \$695,250 for the Purchase of Property for a Mountain Center in Santa Fe County (Community Services Department) TABLED**

C. Findings of Fact

- 1. CDRC CASE # MP/DP 09-5120 Verizon Wireless Telecommunication Facility. Verizon Wireless, Applicant, Scott Dunham, Agent, Requested Master Plan Zoning/ Preliminary and Final Development Plan Approval for a 36-Foot Monopole and a 288 Square Foot Equipment Shelter on a 1,050 Square Foot Leased Site Within a 5,000-Acre Parcel. The Property is Located West of U.S. Highway 285, 16 Miles North of Clines Corners and I-40 Within Section 32, Township 12 North, Range 11 East (Commission District 3) Jose E. Larrañaga, Case Manager, Approved 5-0**

2. **CDRC CASE # V 09-5060 Zia Credit Union. Zia Credit Union, Applicant, Jeffery White, Agent, Requested a Variance of Article III, Section 4.4.3a (Driveway Access), a Variance of Article III, Section 4.4.3c (Parking Lot Location) of the Santa Fe County Land Development Code and a Variance of Ordinance No. 2008-5 (Pojoaque Valley Traditional Community District), Section 12.5 (Density and Dimensional Standards). The Property is Designated As a Traditional Mixed Use Sub-District Under Ordinance No. 2008-5. The Property Is Located at #1 Luz De Amado, Within Section 17, Township 19 North, Range 9 East, (Commission District**
3. **CDRC CASE # APP 08-5351 Sue Barnum Appeal. Sue Barnum, Appellant, Is Appealing the County Development Review Committee's Decision to Approve a Request for a Second Driveway on 2.86 Acres. The Property is Located at 1339 Bishop's Lodge Road, Within Section 6, Township 17 North, Range 10 East (Commission District 1) John M. Salazar, Case Manager Approved 3-1 TABLED**

VIII. APPROVAL OF MINUTES

A. Approval of October 27, 2009 BCC Minutes

COMMISSIONER STEFANICS: Mr. Chair, I will move approval of October 27, 2009 Commission minutes.

CHAIRMAN ANAYA: Motion by Commissioner Stefanics.

COMMISSIONER HOLIAN: Second.

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

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

IX. MATTERS OF PUBLIC CONCERN –NON-ACTION ITEMS

CHAIRMAN ANAYA: Is there anybody in the audience that would like to address the Commission at this time? Hearing none, we'll move on.

X. MATTERS FROM THE COMMISSION

- A. **A Proclamation to Recognize Sandy Davis, Principal of Turquoise Trail Charter School and Principal of the Year Constellation Award Recipient (Commissioner Stefanics)**

COMMISSIONER STEFANICS: Thank you, Mr. Chair, members of the

Commission. I'd like to today recognize Ms. Sandy Davis with this proclamation:

Whereas, Ms. Sandy Davis has devoted 40 years of dedicated hard work to the public education system; and

Whereas, Ms. Davis great leadership has resulted in Turquoise Trail Charter School's reputation as an excellent, stimulating and stable learning environment and as one of the most respected and desirable schools in the Santa Fe District; and

Whereas, a Stanford University study finds that Turquoise Trail charter school is outperforming its school district counterparts; and

Whereas, before coming to Turquoise Trail charter school in 2001 Ms. Davis was the founding principal of Davis Elementary School in Marietta, Georgia, which was recognized as a national school of excellence by President Bill Clinton in 1993; and

Whereas, on November 12, 2009, Ms. Davis received the Principal of the Year Constellation Award at the annual conference of the New Mexico Coalition of Charter Schools; and

Whereas, Ms. Davis is beloved by staff, students and parents;

Now, therefore, be it resolved, that we the Board of Santa Fe County Commissioners hereby recognize Sandy Davis, Principal of Turquoise Trail charter school.

I'd like to ask Sandy to come up and say a few words and then we'll present the resolution with a photo.

SANDY DAVIS: Thank you very much for asking me here today, and I just want to let you know what an honor it is to be an educator in Santa Fe and to be at Turquoise Trail charter school. I think the charter school movement is making a big difference in New Mexico school and Turquoise Trail charter school is the oldest charter school in New Mexico, originally chartered in 1994.

It's a great school. I welcome you to come and visit at any time and certainly Commissioner Stefanics has been there for meetings. Mr. Anaya has been there to speak with our governance council. But we have a fabulous staff and 495 wonderful students at Turquoise Trail. Our students are high achieving. We're doing very well. We have some innovative programs and I'm very proud of the school and very happy to have your support and the support of the Santa Fe community.

So thank you very much. I love doing what I do. I have the best job in the world. Thank you.

COMMISSIONER STEFANICS: Thank you.

X. B. A Proclamation Recognizing the Pojoaque Elkettes Volleyball Team as District 2AAA State Champions (Commissioner Montoya)

COMMISSIONER MONTOYA: Unfortunately, the Elkettes and also the next one, the Elks cross country team are not here. Well, fortunately for them, they didn't have school today; they got snowed out. So we will be presenting the proclamation anyway and I'd like to invite the Commission and everyone else to the December 21st at 7:00 and it's during the Ben Lujan Tournament, we'll be actually presenting them with the formal proclamation as well as a token of our appreciation for their success. So I just

would like to enter this for the record, Mr. Chair.

Whereas, the community of Santa Fe County recognizes the efforts of youth in our public school system and encourages them to partake in productive activities which are rewarding to the individual as well as the community; and

Whereas, extracurricular and co-curricular activities promote character and encourage dedication and teamwork; and

Whereas, dedication and hard work result in success; and

Whereas, the Pojoaque Valley High School Elkettes are recognized for their outstanding performance in volleyball, earning an exceptional 23-1 record during the 2009 volleyball season; and

Whereas, the Elkettes proved their commitment and skill in competing at the New Mexico State girls volleyball tournament, leading their team to victory for the Class AAA state volleyball championship; and

Whereas, Santa Fe County recognizes the young student athletes and the coaching staff for the Pojoaque Valley High School who worked hard to play their very best this season;

Now, therefore, the Santa Fe County Board of County Commissioners proclaim the 8th of December, today, 2009, Pojoaque Valley High School Elkettes Day throughout Santa Fe County. I would move for approval, Mr. Chair.

CHAIRMAN ANAYA: Motion by Commissioner Montoya.

COMMISSIONER HOLIAN: Second.

CHAIRMAN ANAYA: Second by Commissioner Holian.

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

**X. C. Proclamation Recognizing Pojoaque Elks Boys Cross Country
 (Commissioner Montoya)**

COMMISSIONER MONTOYA: Again, for this one, Mr. Chair, the next one in item C, the Pojoaque Boys Cross Country team. I'll read the last couple. It says:

Whereas, the Pojoaque Valley High School cross country team proved their commitment and skill at the state cross country meet and won the State Class AAA runner-up, and

Whereas; Santa Fe County recognizes the young student athletes and the coaching staff of Pojoaque Valley High School who worked hard to play their very best this season; and

Now, therefore, the Santa Fe County Board of County Commissioners proclaim the 8th of December, 2009 Pojoaque Valley High School Elks Day throughout Santa Fe County. And I would move for approval on this also, Mr. Chair.

COMMISSIONER HOLIAN: Second.

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

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

CHAIRMAN ANAYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. We did not move on my proclamation so if we could move back to item X. A. I would move to approve the proclamation to recognize Sandy Davis.

COMMISSIONER HOLIAN: Second.

CHAIRMAN ANAYA: Motion and second.

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

CHAIRMAN ANAYA: Okay, we're going to move on. We're not going to go to the proclamation honoring Governor King quite yet. We're going to wait for a few more minutes for Representative King, if that's okay.

- X. E. Election of County Commission Chair for 2010**
- F. Election of County Commission Vice Chair for 2010**

COMMISSIONER STEFANICS: Mr. Chair, I would propose that we combine E and F, and I would move that the Commission elect Harry Montoya to be the County Commission chair for 2010, and Commissioner Virginia Vigil to be the County Commission vice chair for 2010.

COMMISSIONER HOLIAN: I would like to second.

CHAIRMAN ANAYA: There's a motion by Commissioner Stefanics, second by Commissioner Holian. Any further discussion?

COMMISSIONER HOLIAN: I would like to just say thank you, Chairman Anaya, for the wonderful job at being our chair. I learned a lot from watching you and it was just – I really enjoyed your sense of humor and you were a really great chair. So thank you.

COMMISSIONER STEFANICS: Mr. Chair.

CHAIRMAN ANAYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: I believe you have run very efficient meetings and even though the public sometimes thinks we take too long, you've kept us moving and I appreciate that very much. It's been very efficient and business like. Thank you.

CHAIRMAN ANAYA: Thank you, Commissioner.

COMMISSIONER MONTOYA: Mr. Chair, I too would like to thank you for your leadership this past year. You had a full schedule with presidency of the NMAC, the Association of Counties and doing this and I appreciate the job that you did as well. So thank you.

CHAIRMAN ANAYA: And I want to thank you all, because it was difficult but it was easy because you all didn't ramble on and talk forever. You got to the point and you made the meetings run faster and I thought it was good. And I thank you for your comments and I enjoyed serving as your chairman and I look forward to passing the gavel over to Commissioner Montoya for the next year. Thank you all.

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

X. OTHER MATTERS FROM THE COMMISSION

COMMISSIONER STEFANICS: Mr. Chair, we could Matters from the Commission. I have a very brief report you have received at your seat, a copy of the RTD, Regional Transit District annual report. [Exhibit 1] Penny Ellis-Green, our assistant County Manager does attend the meetings with me so she will keep us moving along and anything controversial we will make sure we bring it to you. We held our last meeting of the year last Friday and basically we had quite a presentation from the new public information officer for that group. There are now newsletters. There are radio spots. There are radio shows. I have offered that she be invited to our County TV program as well as to our Health and Human Services radio show and any other PSA spots that we want to do.

Perhaps with a little advertising we could get more people riding some of our county routes. Thank you very much, Mr. Chair.

CHAIRMAN ANAYA: Thank you, Commissioner Stefanics.
Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. First of all I would like to say that I got an email from one of my constituents who happens to work up in Los Alamos and she emailed me last night. She said that the Santa Fe County snow clearing was far superior to that of Los Alamos, so once again, thank you to Robert for all that our County does, because I think that really says something that, wow, we even beat Los Alamos at that.

The other thing that I wanted to mention was that on November 26th the Santa Fe *New Mexican* published a series called "The Ten who Made a Difference" in the Santa Fe community. And I just wanted to mention three people who have sort of a particular connection with the County. One is Jose Villa. He worked tirelessly to make sure that parts of Rio Arriba, Santa Fe and Taos County were named the Rio Grande National Heritage Area. And that was really quite something, because at the time he started this program there were only three national heritage areas that were west of the Mississippi. And I just want to say that I spent a very enjoyable evening with him and others in Glorieta for one of their meetings talking about the history of the Glorieta area. So I really want to thank him for all that he did.

I also want to recognize Ernestine Hagman. She was named for her dedication to her students as a teacher at Capshaw High School and Santa Fe Vo-Tech. And she's also a member of the Mayor's Children and Youth Commission and she's given a lot to the youth in our community. But just as a sideline she was also a member of the CDRC, our very own CDRC. So I wanted to recognize that.

And then finally Johnny Micou was named. He was as everybody knows a real activist in the oil and gas issue and I think that he played an incredibly important role, probably the most important role as just a member of the community in the Oil and Gas

Ordinance which we have which is really a leader in the country. So I just wanted to particularly say thank you to those people.

CHAIRMAN ANAYA: Thank you, Commissioner. Commissioner Montoya.

COMMISSIONER MONTOKYA: Thank you, Mr. Chair. Just a couple things. One is I'd just like to let people know that this Saturday the 12th will be the Pojoaque Pueblo feast day. Those are always good celebrations of culture and food, my two favorite things. I also wanted to mention that we had the passing of an individual in the community who was involved a lot, especially with the Democratic Party, Eli Sena. I just wanted to send my condolences to his family and friends. The funeral was this past Saturday and the outpouring of support and love for this individual was certainly a result of the large crowd that was there. So I just wanted to mention his passing and may he rest in peace.

CHAIRMAN ANAYA: Thank you, Commissioner. That was a loss of Eli. He was always a friendly guy. I didn't know him that well but what I did know of him he was always – he always spoke with me and talked with me and a loss to our community.

I would like to – Robert Martinez – I want to thank Robert Martinez and the Public Works Department. Go ahead and come forward, Robert, because we have a new transfer station in Stanley. And we talked about a grand opening or a ribbon cutting and I'd like to do that. I don't want to do it this Saturday but maybe we can work on doing it between now and New Year's. I want to thank you all for doing that and where are we in terms of the completion.

ROBERT MARTINEZ (Public Works Director): Mr. Chair, the contractor is doing final touchups this week. We are scheduled to open the transfer station for business Saturday morning at 7:00.

CHAIRMAN ANAYA: Okay. So maybe we can do a ribbon-cutting maybe next week some time.

MR. MARTINEZ: Mr. Chair, just give me the date. They are closed on Thursdays and Fridays, so I'm assuming you want to do it on a day they're open, so just give me the date that would work best.

CHAIRMAN ANAYA: We might even do it on a Saturday. I don't know. But we'll get back with you on that. And then I wanted to thank your department for completing County Road 42, which took – how long did that take us to get that paved?

MR. MARTINEZ: Fourteen years.

CHAIRMAN ANAYA: Fourteen years to get County Road 42 paved. And it turned out beautiful. You all did a wonderful job. If you haven't driven it, those of you in the audience who are listening, it's a beautiful drive, it's a peaceful drive and you all did a wonderful job. And I also want to do a ribbon cutting there. So we'll work on the dates before the end of the year if we can do that, Robert.

MR. MARTINEZ: Mr. Chair, we will work with Jennifer on that.

CHAIRMAN ANAYA: Yes. Work with Jennifer. Maybe we'll do it right there where Burl Ives' house is, right in that low water crossing area.

MR. MARTINEZ: Okay.

CHAIRMAN ANAYA: And that's all I have. Thank you, Robert.
Commissioner Stefanics.

COMMISSIONER STEFANICS: Mr. Chair, before Robert escapes to the back row. I just want to thank you. I was very pleasantly surprised that County Road 42 was already plowed by the time I came out this morning and it was great because quite a few people travel that road. It has gotten icy some days but today it was great and I just really appreciate how quick you all were with that. And my last note, I would like to wish all of the County employees a happy and peaceful and safe holiday season. I know that there will be a lot of partying, but since this is our last meeting of the year I want to thank people for their hard work and I wanted to especially say please, be safe and healthy over the holiday season. Thank you.

CHAIRMAN ANAYA: Okay, and I believe Rhonda will be here in about five minutes.

COMMISSIONER STEFANICS: That's right. I had somebody call and she is en route.

CHAIRMAN ANAYA: Okay. Good. So what we'll do is we'll go to Roman, and if you could just go for Matters from the County Manager, and when Rhonda gets here we could go back to Governor King.

XII. C. Matters From the County Manager

1. Update on County Courthouse [*Exhibit 2: Intergovernmental Agreement with NMED*]

MR. ABEYTA: Mr. Chair, I have an update regarding the County courthouse, the new judicial complex. We started this week with construction of the barrier wall. Once the barrier wall has been constructed then the next phase will be to remove all of the contaminated soil. We believe that will begin at some point in February and last about six weeks. Then once the soil has been excavated then we will start with the construction of the building itself. So we're hoping to start that up in May. So there's activity happening on the site now and it will we hope continue to take place for the next two years while we construct a courthouse.

I'd like to thank the staff for all of the work that they have done, the Commission and also the Environment Department. This has been quite an undertaking since we discovered the contamination but we're all on the same page now and like I said construction has started up this week again. So thank you for not only your help but also your patience with us through this process.

COMMISSIONER STEFANICS: Mr. Chair.

CHAIRMAN ANAYA: Questions? Commissioner Stefanics, then Commissioner Montoya.

COMMISSIONER STEFANICS: Roman, could we – I understand that we're in between public information officers, but could we set up a regular posting to the public about our progress, whether it's between the New Mexico Environment Department and ourselves or just as you'd indicated about creating the barrier wall so that maybe once a week it would just be courthouse update or something like that?

MR. ABEYTA: That's a good idea. We'll do that.

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

CHAIRMAN ANAYA: Okay. Commissioner Montoya.

COMMISSIONER MONTOYA: Mr. Chair, is Larry Barker going to be doing a follow-up on this? Great news. Thank you, Roman.

CHAIRMAN ANAYA: Okay. Thank you, Commissioners.

X. D. A Proclamation Honoring Governor Bruce King (Santa Fe Board of County Commissioners)

CHAIRMAN ANAYA: This is from the entire Board of County Commissioners and the entire staff at Santa Fe County. Santa Fe County proclamation:

Whereas, former New Mexico County Commissioner, state representative and three term governor, Bruce King passed away on Friday, November 13, 2009 at the age of 85; and

Whereas, Governor King was born in Stanley, New Mexico, on April 6, 1924 to William "Bill" and Molly King, where he and his siblings grew up farming and ranching on the family's King Ranch from an early age. Governor King knew he wanted to continue that life in which hard work and sweat was rewarded; and

Whereas, Governor King briefly attended the University of New Mexico in 1942 where he played football for the Lobos; and

Whereas, he was drafted into the army, initially to serve in the field of artillery. However, as World War II came to an end he was assigned to the military police and served a year in Kyoto, Japan. Governor King's military service ingrained in him the need and importance of public service; and

Whereas, upon his return from the army Governor King met Alice Marie Martin, also the child of a pioneer Estancia Valley family. Governor King and Alice married in 1947; and

Whereas, at the age of 29, Governor King ran and won a seat on the Santa Fe County Commission in 1954, thus embarking on his political career in New Mexico. Governor King would serve two terms on the County Commission and served as chairman during his second term; and

Whereas, in 1959 Governor King was elected to the New Mexico House of Representatives where he served five consecutive terms and was Speaker of the House for three of those five terms; and

Whereas, in November, 1970, Governor King won the first of his three terms as governor of the state, serving from 1971 to 1974, 1979 to 1982 and 1991 to 1994. Governor King was the state's longest serving governor; and

Whereas, after leaving the governor's mansion, the Kings returned to the family ranch near Stanley and continued the philanthropic and governmental work; and

Whereas, Governor King was preceded in death by his beloved wife of 61 years, Alice. He is survived by his son Bill King and current Attorney General Gary King, brothers Don and Sam King, and numerous grandchildren; and

Whereas, Governor King's patriotism, bravery and dedication to the nation and to the state of New Mexico will always be remembered, the affectionately known "Cowboy Governor" was a true servant of the state of New Mexico whose legacy will continue for

many, many, many years;

Now, therefore, be it resolved that we the Board of Santa Fe County Commissioners hereby recognize Governor Bruce King as a native son of Santa Fe County and proclaim December 8, 2009 as Governor Bruce King Day in Santa Fe County.

Is there a motion to approve?

COMMISSIONER STEFANICS: I'll so move.

COMMISSIONER HOLIAN: Second.

CHAIRMAN ANAYA: There's a motion by Commissioner Stefanics, second by Commissioner Holian. Any further discussion?

COMMISSIONER STEFANICS: Yes.

CHAIRMAN ANAYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: Mr. Chair, while I was only four years old when Governor King served on the Santa Fe County Commission I must say that his legacy of service is a great role model for the entire state. And in my very first year as a state senator, I had the pleasure on opening day of escorting Governor King onto the floor of the House for his opening speech, and my parents have that picture on their mantel back in Ohio. So Governor King's legacy didn't go – it's not just to Washington, DC with President Clinton but all over the rest of the country. But I am very serious when I say that Governor King and his wife and his entire family – nieces, nephews, brothers – and Don King also served on the County Commission, their legacy for service in our state is something that is a great role model for the rest of us to remember and to live by. Thank you very much, Mr. Chair.

CHAIRMAN ANAYA: Thank you, Commissioner Stefanics.

Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. Well, there's not much that I can add to what has been said about Governor King's political legacy but I will just say on a personal note I met him and talked with him many times over the years and I was always slightly amazed that he remembered who I was, because I wasn't anybody particularly important at that time. So I think that Governor King is a shining example of what I think is really, truly best in our state. He was so welcoming, he was so caring and he was so interested in everybody and everything. And I truly think that it is an honor for me to be up here and to be able to honor him. Thank you.

CHAIRMAN ANAYA: Thank you, Commissioner Holian. Commissioner Montoya.

COMMISSIONER MONTOYA: Thank you, Mr. Chair. Bill, on behalf of my family, my condolences to you and your family and Rhonda as well. Your mom and dad, Bruce and Alice were always together wherever, and your uncle, Rhonda. And it was always a delight to talk to them. It was like Commissioner Holian said, I'd never been anybody important and they always knew who I was too and remembered my name. It's one of those things that goes a long way I think in terms of building relationships and having people respect you and trust you and I really admire them for who they are and what they do. So I truly admire both of them and I'm sure you did too. In passing they're on to a better life and they still live within us and with us. So congratulations on this honor and I'm honored to be honoring them as well, your dad. Thank you.

CHAIRMAN ANAYA: Thank you, Commissioner. We have Commissioner Vigil who called in. Commissioner Vigil, this is Mike. Welcome. We are in the middle of the proclamation honoring Governor King. Would you like to say some words. Before us we have a crowd of people and we also have Bill King, the son of Bruce and we have Rhonda King, Representative King here with us, Commissioner.

COMMISSIONER VIGIL: Thank you so very much for calling me. I'm so glad to be a part of this by telephonic conference. I did not want to miss the opportunity to be a part of this. I so fondly think of the King family and our governor so, so highly and I so appreciate you including me in this, Mr. Chair, members of the Commission. And with that, I'd love to listen to the part of the proclamation that's going on.

CHAIRMAN ANAYA: We've read the proclamation, Commission and Bill King is approaching the bench to talk and if you want to stay on the line you're welcome. I would like to. Thank you so much.

BILL KING: Mr. Chair, members of the Commission, I'd like to thank you very much because as you all know, nothing was dearer to my dad's heart than his first job as being County Commissioner here in Santa Fe County. The citizens of Santa Fe County, nothing pleased him more than serving them all the years that he did. He used to, back when he was first elected Commissioner, I was about four too, but they used to have a meeting in every precinct during the election and he could tell stories and he always enjoyed going all over the county, meeting all the people of Santa Fe, so nothing would please him more than to know that you honored him here today. So thank you very much.

CHAIRMAN ANAYA: Thank you very much, Bill Representative King.

REPRESENTATIVE RHONDA KING: Thank you, Commissioners, chairman and Commissioner Vigil. I want to thank you also for this wonderful honor. Unfortunately my father couldn't be here today because of the weather but he too is very fond of Santa Fe County, not only being our home and where we were all raised, both my uncle and my father enjoyed their service here at the County and as all of you know, really this is where my uncle began his political career. Recently, my dad and my uncle Sam and my aunt Liota got together and they were talking and reminiscing a little bit and my dad and my uncle Sam said that after their father passed away they decided they weren't going to stay involved in politics and they were just going to concentrate on the farming and the ranching. And I think my uncle gave a little bit of this history in his book. And as you all know, he decided to run for County Commissioner but he promised my aunt Alice, Bill's mother, that he was going to run but he was sure he wouldn't win, so there was no need to worry about it. So I think the rest is history.

So I again want to thank you for this wonderful honor and thank you for recognizing my uncle for the wonderful person and public servant and family member and uncle that he is and he was.

CHAIRMAN ANAYA: Thank you, Representative. You all have been friends of the family for many, many years. And I remember, well, my father always talked about Bruce King and it was like Bruce came first, then God, then family. I remember Bruce King telling me about, my grandmother, how they used to go by my grandmother's house and she wouldn't let them get away without eating and getting fresh

tortillas and all that stuff. But there was one story that I can remember the governor telling me. I believe he was in fourth grade and they were attending Stanley school and one of the governors came to visit them. And they were in there and the governor – I forget which governor it was, but he said, you know, any of you can become governor, and Governor King said he looked around the room and he said, well, if any of us can become governor, it might as well be me.

So then he became a three-term governor. So we're going to miss Governor King. He did a lot of wonderful things for the County, for the state and for the country. So with that, if we could all go down there and you could all come up we could take a picture with the proclamation.

XII. STAFF AND ELECTED OFFICIAL ITEMS

A. Finance Department

1. Resolution 2009-224. Awarding the Santa Fe County, New Mexico General Obligation Refunding Bonds, Series 2010A in an Aggregate Principal Amount of \$13,335,000 to the Best Bidder on the Bonds

STEVE ROSS (County Attorney): Mr. Chair, Mr. Franklin and Mr. Powers will handle the next three items.

PETER FRANKLIN (Bond Counsel): Mr. Chair, members of the Commission, thank you. You should have before you an updated form of award resolution. The County held received bids this morning for the refunding bonds. These bonds, as you may recall, refund, basically pay off the debt service due on the County's Series 1999 general obligation bonds and Series 2001 general obligation bonds. This resolution awards those refunding bonds to I believe it's BMO Capital Markets as the best bidder. Kevin Powers, the County's financial advisor can describe the details of the sale and the really quite excellent savings that have resulted from this refunding.

I would just say for the record that this resolution both authorizes the award of the bonds. It also authorizes the County's execution of an escrow agreement to pay debt service on Series 1999 bonds until they can be called on July 1, 2010. What happens is those bonds, once the escrow is funded from proceeds from these bonds the debt service coming due on the Series 1999 bonds will be paid from the escrow until they can be called next summer. The Series 2001 bonds, strangely enough, are immediately callable and so those bonds will be retired on January 19, 2010 when we close this transaction. I'd be happy to answer any questions about the resolution. I think you would probably like to hear from Kevin about the details of the sale and the savings.

CHAIRMAN ANAYA: Any questions of Peter? Okay.

KEVIN POWERS (Financial Advisor): Thank you, Peter. Mr. Chair, members of the Board of County Commissioners, we had really I think a tremendous sale this morning of your bonds. If you turn to the first page of the handout we have an overview. The amount of the bond issue actually had to be changed slightly in the process of conducting the sale. We put an amount out to the bids, for bid, in the amount of \$13,335,000. That was based on our best estimates at the time at the actual dissemination

of the paperwork with the understanding of the bidders that because we were doing a refinancing and we have to fund exactly the amount needed to call in the bonds any pay cost of issuance that we could change the amount of the sale plus or minus ten percent.

It turns out that the way the best bidder constructed their bid, we had to raise the size of the bond issue slightly. This maybe runs a little bit counterintuitive but the size of the bond issue went up but the savings also went up, because the interest rates that the best bid represented to the County were actually much lower than what we had estimated because the market has actually improved over the last couple of weeks. So the bottom line here is that the County will issue \$13,505,000 in bonds. These bonds will mature between 2010 and 2018. They'll refund the 99 and the 2001 bonds. The average life of this combined refinancing transaction is 4.7 years.

The County did apply for and receive a AA1 rating, which is the second highest rating available. Triple-A is the highest. This is the same rating you've been carrying on your general obligation debt from Moody's. The bidder not only will provide \$13,505,000 in par amount or principal amount of the bonds but will also pay the County a premium of \$529,822.50. This is a function of the market that this premium has generated. The true interest cost to the County on this bond issue is 1.95 percent. That's under two percent. That is really what's driving the savings to the County, because the bonds that we're retiring here, that we're replacing, we're issued at much higher interest rates.

The debt service savings to the taxpayers is actually \$1.374 million. That's at present value basis. The actual future value is closer to \$1.5 million. So divided over the nine years it's in excess of \$150,000 a year savings. That represents a percentage savings of ten percent. Just to give you an idea of the benchmark that we use in the industry, three percent is considered a good refinancing. Ten percent is outstanding.

The next page is the savings comparison, the actual savings on a year-by-year basis, and then cumulative, and then present value.

The following page is an overview of the bid. We used a bidding platform that the County's used for its general bond sales for the last six or seven years. It's a great platform. It provides access to your bonds to a wide variety of bidders. If you turn to the next page this is a list of the folks that bid on bonds. We had ten bids, which was excellent. BMO Capital Markets was the best bid as Peter had mentioned. BMO stands for Bank of Montreal. They actually own a brokerage firm here in the United States. It used to be Harris Trust Savings Bank was the former name out of Chicago, but there's a who's who of other national and regional investment banking firms from throughout the country that also bid on the bonds.

The following page is a recap of bids and this shows each bid side-by-side and how the bidder actually arrived at the actual amount that was bid. You may notice that his page is actually based on – the way the bids were compared is based on the original amount. Once we determined who was the best bidder then we went in and did the adjustments to the size of the bond issue so that we were generating exactly the amount of money we needed to refinance and pay costs of issuance. I should also add that the savings numbers that are quoted are net of all costs so this is in fact the actual savings to the County.

The next page is a verification of those bids and we always verify independently

from the computer program with another computer program to determine that the best bid was in fact BMO Capital.

The following page is a re-offering yield. This is actually how they're structuring their bond issue to be resold to the public. It's amazing; they're going to sell \$13.5 million in bonds to the public and their internal cost is about \$68,000 or \$5 a bond to bid at. Once again, that is all net. That is something that they're recovering with the resale of the bonds but you need not pay any of that cost. That's all calculated in the bid.

I thought it might be interesting to kind of compare this sale to previous sales of County bonds and we've got that on the following page, the historical sale results page. Going back to 2007 you sold a couple of GO bonds in 2007, a GRT bond in 08, another GO bond in 08, and a GO bond in 09, and then this one. Although we're selling them in 09 we're designating them as 2010 bonds because they're not actually going to close until 2010.

And you can see interest rates vary on each of these sales based on what the market conditions are at the time and on the length of the maturity. And we use an average life and a final maturity to compare them. This sale is obviously the shortest of all these sales in terms of absolute length and in terms of average life and that contributed to the low interest rate. Really there are a number of factors that contribute to the low interest rate. The structure is one, the market is another, and I think probably the most important to you is your bond rating and your credit quality is another one, and that's something you have control over and you are doing a very good job of keeping that credit quality high and in turn your bonds are very attractive in the marketplace.

Some historical market data on the next few pages, some graphic depictions of the yield curves, and really this chart with the green line shows why you're able to get these much lower interest rates. The market right now is very good in the short end of the yield curve. So this one to ten year range was very attractive. That's where these bonds were located on the yield curve and therefore it translated into this tremendous interest savings.

Credit spreads, again, this is another factor and you can see that your AAA yield curve is obviously the lowest cost. AA is slightly above it, A, and then BBB. One thing I failed to mention back on the page we had the re-offering yields and a summary, an interesting phenomenon here is your bonds actually sold in the marketplace at interest rates lower than the AAA generic yield curve. That's a very rare occurrence. Even when we sell AA and AAA bonds in the marketplace we normally see a positive spread to that yield curve. That's an index that's used as a guideline but there are very few bonds that actually sell on that interest curve; they usually sell slightly higher. You actually sold lower. It's remarkable. And that was a contributing factor to the strong savings rates.

I mentioned that the rating is the second highest; the only higher rating is AAA. That's a great distinction and certainly very important going forward. Keep in mind that maintenance of those high ratings will continue to generate effective borrowing for the County. And then we've included for anybody who really wants to look through and comb through the numbers we've included a packet of numbers with all the detail for your information. That will certainly, later on this evening if you're having trouble sleeping you can read through that and that will definitely put you to sleep.

So with that I stand for any questions that you might have on the result of the sale or the process we went through to obtain the result.

COMMISSIONER MONTOYA: Questions. Commissioner Holian.

Ch: Thank you, Mr. Chair. Actually this is a question maybe for Roman or Teresa. Do we have any other bonds that we can refinance?

MR. ABEYTA: Mr. Chair, I'll let Teresa answer that but I know if we do we're trying to do that with them.

TERESA MARTINEZ (Finance Director): Mr. Chair, Commissioners, honestly, I rely on the recommendation of our bond counsel and our financial advisor for this, so what we'll do is we'll look at the market, we'll look at what we currently have out there with regard to the remainder and the debt service requirements and the interest and how the market is doing. So constantly we'll be exploring that. So there's nothing on the immediate horizon right now.

COMMISSIONER HOLIAN: Okay. Thank you. And then I have a question about the market, I guess. Is it because there is such a demand out there for something that's relatively safe, is that why we are in such a good position?

MR. POWERS: Commissioners, yes, that's a very accurate observation. There is a definite flight to quality. There's been flight to quality in the capital markets for the last year and a half. That's the reason for that credit spread on that interest rate chart. And if you have a AA credit or a AAA credit, and there are a few AAAs out there still you're able to really command a much lower interest rate when you're borrowing money. And there are investors out there that are looking at places to put their money. In fact US Treasury securities in some cases are trading at virtually no interest, and in some very few cases have actually traded in negative territory where people have actually paid the Treasury to take their money because they know they'll get it all back.

So that is a phenomenon of the marketplace. We don't know how much longer that will last. I think as the economy continues to improve that this is going to diminish but I think right now it's something you can take advantage of. We have been looking at all the County's outstanding obligations to determine whether any other ones are available for refinancing. There are some things we have to look for. One is that call features, so the bonds either have to be callable either immediately very shortly within the next year or so. We look for that; we look for high interest rates and certainly constantly reviewing everything to make sure that there are no opportunities out there. If there are we'll present them just as we did with this one and we certainly appreciate you calling this meeting today and allowing us to have this sale today because I think that was a contributing factor to the positive result.

COMMISSIONER HOLIAN: Well, I want to thank you and I want to thank Peter Franklin too. I think the County's in good hands. Thanks.

COMMISSIONER MONTOYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. I would move to approve Resolution 2009-224.

COMMISSIONER HOLIAN: Second.

CHAIRMAN ANAYA: Any further discussion? I too would like to thank Kevin and Peter. I just echo what Commissioner Holian said. I think ever since we've had RDC we've gotten nothing but I think good advice and good counsel and done the best for the citizens of Santa Fe County, the taxpayer who certainly like to see these sorts of things occur. I know I would like to see it occur with other bonds that we can't touch,

but unfortunately we're where we are with those ones.

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

XII. A. 2. Resolution No. 2009-225, Directing Publication of a Notice of Public Meeting and Intent to Adopt Ordinance at Least Two Weeks Prior to a Meeting At Which the Board of County Commissioners Will Consider Adoption of an Ordinance Authorizing the Issuance of the Santa Fe County Taxable County Infrastructure Gross Receipts Tax Bonds, Series 2010 in a Principal Amount Not to Exceed \$6,000,000

MR. FRANKLIN: Mr. Chair and Commissioners, this is what we call a resolution of intent, authorizing the publication of a notice and general summary of an ordinance authorizing the Santa Fe County, New Mexico taxable County Infrastructure Gross Receipts Tax Revenue Bonds, Series 2010, in a principal amount not to exceed net proceeds of \$6 million in order to fund a loan for the Santa Fe Studios project. And basically, what this resolution does is authorize the County Manager to schedule a hearing on the bond ordinance, the ordinance which would actually the issuance of the bond, and to publish that ordinance, the notice of the ordinance hearing, at least two weeks prior to the hearing.

We have not yet set a date for that ordinance hearing because frankly, we're not sure what the agenda for the BCC meetings is going to look like in the next month or so, but at the point when we're ready to put this on the agenda Roman will direct that we publish notice of the ordinance and it will be scheduled. I should let you know that this loan, or these bonds will be taxable because the nature of the project is that it will be owned and operated for private economic development purposes.

The security for the bonds is the County infrastructure gross receipts tax and the expectation is that the bonds will fund the loan and that the studios repayment of the loan will actually be the source of revenue that will pay debt service on the bonds. That's probably not a readily marketable credit and we believe we can sell the bonds secured by the County infrastructure gross receipts tax probably at a better interest rate than we could if this were just a conduit loan transaction. I'd be happy to try to answer any questions. The County's authority to make this loan is specifically under the Local Economic Development Act. This is not a power that the County has in general but it is specific to Local Economic Development Act projects.

COMMISSIONER MONTTOYA: Any questions?

CHAIRMAN ANAYA: Move for approval.

COMMISSIONER MONTTOYA: Motion by Chairman Anaya.

COMMISSIONER HOLIAN: Second.

COMMISSIONER MONTTOYA: Second by Commissioner Holian.

Discussion?

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

XII. 3. Resolution No. 2009-226, Directing Publication of a Notice of Public Meeting and Intent to Adopt Ordinance At Least Two Weeks Prior to a Meeting At Which the Board of County Commissioners Will Consider Adoption of an Ordinance Authorizing the Issuance of the Santa Fe County Capital Outlay Gross Receipts Tax Bonds, in One or More Series, in a Combined Principal Amount Not to Exceed \$40,000,000

MR. FRANKLIN: Mr. Chair, the next one is similarly a resolution of intent authorizing publication of a notice of hearing on a bond ordinance, and this bond ordinance relates to the Buckman Direct Diversion project. This would authorize bonds secured by the County's capital outlay gross receipts tax in an amount not to exceed \$40 million for the purpose of providing the County's share of funding for the Buckman Direct Diversion project.

Again, we don't have a specific date in mind for when that bond ordinance would be heard but when we do have the date what this resolution does is authorize the publication of the notice to let the public know that that ordinance will be heard on the specific date.

COMMISSIONER MONTOYA: Okay. Any questions? Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. And these are tax-exempt bonds?

MR. FRANKLIN: Excuse me, Mr. Chair, Commissioner Holian, yes. These would be tax-exempt bonds.

COMMISSIONER HOLIAN: And then I guess I have a question for Roman. How close are we then to having the total amount of funding that is our share of the Buckman?

MR. ABEYTA: Mr. Chair, Commissioner Holian, this should get us pretty close to our share.

COMMISSIONER HOLIAN: Okay. Thank you.

COMMISSIONER MONTOYA: Any other questions?

COMMISSIONER HOLIAN: Move for approval.

COMMISSIONER STEFANICS: Second.

COMMISSIONER MONTOYA: By Commissioner Holian, second by Commissioner Stefanics. Is there further discussion?

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

COMMISSIONER MONTOYA: Thank you very much. Thank you, Peter. Thank you, Kevin.

XII. B. Community Services Department

1. An Ordinance Amending Section 7.a of Ordinance 1997-11, the Santa Fe County Fire and Emergency Services Administrative Ordinance, Regarding Reporting Requirements for the Chief of the Santa Fe County Fire Department

MR. ROSS: Mr. Chair, this is under I believe Community Services but we'll take this because this is a cleanup of the organization that the County did about two years ago. As you recall, we reorganized the County into four major departments. Recently, in looking over the fire ordinances in order to do some upgrading of those documents we noticed that this ordinance, the one that's proposed for amendment, 1997-11, has the Chief of the Fire Department reporting to this body in one place in the ordinance and to the County Manager in another. This is obviously not a good thing, so this is a cleanup of that ordinance that you're seeing here.

We're looking at the remaining provisions of this ordinance in hopes of recommending some more cleanups, but this one seemed to be one that needed to be addressed rather quickly.

COMMISSIONER STEFANICS: Mr. Chair, I have a question.

CHAIRMAN ANAYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: Is this title and general summary or is this we're passing the ordinance?

MR. ROSS: No, Commissioner Stefanics, it's title and general summary. This is the first step in getting the ordinance rolling.

COMMISSIONER STEFANICS: Okay, so I'll move – I know that there might be discussion and questions, but I'll move approval.

COMMISSIONER HOLIAN: Second.

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

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

**XII. C. 2. Discussion Regarding County Fire Department Funding
 [Exhibit 3: Supporting Material]**

MR. ABEYTA: Mr. Chair, I'm coming to the podium. I'm going to ask the Fire Chief to join me and also the Finance Director. As you know, Mr. Chair, members of the Commission, we recently had a gross receipts tax election for the unincorporated area of the county that failed, so we wanted to have a discussion with the Commission regarding what potential impacts that could have to the County and the County budget.

We were projecting that the gross receipts tax would generate between \$1.2 million and \$1.7 million a year, just depending on how well gross receipts tax was doing in any given year. The purpose of the tax was to cover two primary areas for us. The first would be we would dedicate between \$1 and \$1.2 million to go towards operational

expenses of the fire department. That's operation expenses including staff, equipment, things of that nature. And then we were going to use the remainder that would average around \$300,000 to bond for anywhere between \$3 and \$4 million so that we can buy apparatus for the fire department.

So that's what we were going to do with the funding had we been successful with the election. Since we were not successful we need to take a look at what our options are in order to 1) continue to fund operational expenses of the fire department and 2) purchase the needed apparatus for the department. So options we are exploring at this time includes an MFA loan for maybe between \$3 and \$4 million to purchase some apparatus. We also have some available cash in some of the funds for the fire department and Teresa can talk more specifically regarding those funds. Then we're going to probably have to look at operational Countywide budget cuts, and that's something we will talk about as we get into our next presentation, which is our strategic planning presentation.

But given that even if we do get a loan and we do use some cash, we do cut County budgets, the loan would only cover our apparatus needs for the next five years. So in five years we would be in the same situation. We'd say, okay, now we need to purchase \$3 or \$4 million more worth of apparatus, what we're seeking to do at that point. And so we plan on having a detailed special session with the Commission in January where we do concentrate just on the County budget, and this will be a specific item that we address at that time. So we are looking at options and if you have any questions, myself, the Fire Chief and the Finance Director are available for answering those right now.

CHAIRMAN ANAYA: Okay. Any questions?

COMMISSIONER STEFANICS: Mr. Chair.

CHAIRMAN ANAYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: Roman, if we look at the capital outlay gross receipts tax and we look at the portion that the County can use, and we look at what has been already committed to projects and what is still available, are there funds there that could be levied to buy us some more capital?

MR. ABEYTA: I'll let Teresa answer that. She's probably more familiar with that this.

MS. MARTINEZ: Mr. Chair, Commissioner Stefanics, on the capital outlay GRT you'll recall that it's broken up into several categories and dedicated to a water/wastewater portion, an open space portion, and then a category of roads and others. The more recent capital outlay GRT bonding that you've seen are the first time that we've used the capital outlay GRT and we've pledged it strictly for water projects, most recently for water rights acquisitions, and then the upcoming that you just approved for future consideration to complete the Buckman project.

Now, with regards to the use of this leveraging it against fire, the only category that potentially could do that would be other, but I would defer to Steve to confirm that to make sure that we could use that tax for that purpose.

MR. ROSS: Mr. Chair, Commissioner Stefanics, the roads and other category can be used for County general purposes. The problem is that the road folks have been very diligent about keeping projects moving from that portion of the revenue

stream, so there's not a whole lot of money available. It can be used but there's not a whole lot of money sitting around right now, at least in that.

MS. MARTINEZ: That's correct. And also it's one of the smaller percentages of the share of funds as it's prorated so it doesn't accrue at the higher rates like water would. Water's the highest receiver of those funds at 75 percent.

COMMISSIONER STEFANICS: Okay, so Mr. Chair, Teresa and Steve and Roman and whoever, I'm looking at the memo, Steve, that you wrote for us for the RPA, and looking at how funds could be spent. So I went back and I thought, well – and I also had a conversation with Peter Franklin earlier, just to kind of have him help me understand differences again between operational and capital expenditures, because I think that that is one thing the public confuses. You can't imagine how many emails I've gotten from people saying, the County has money, just go spend it on this. Well, there is a difference between what can be spent on operations here in the County and what can be spent on capital. And we can't just go and spend all of our operational money on this.

But what I am identifying here is that five percent of the total capital outlay gross receipts tax could be spent on the other, which is \$500,000 approximately; it might be less. But I was rounding up numbers. Now, if the roads are in fact also using that, could they not also benefit by us buying, based upon that \$500,000? Couldn't we take \$500,000 of that money and make it like magic into – I understand there's debt and I understand there's a payoff. But the public is looking for us to create magic without this fire tax and so what we're having to do is we're not going to cut operational services. It's not allowed by statute, and I think that's a very clear message we have to give to the public. We cannot cut operations for capital fire apparatus.

So in looking at what funds can be used for capital, I'm trying to research if this is already committed. If it's already committed we have to say to the public, we don't have it in there. If it's not totally committed then we might have to say to the public, do you want to give up work on roads in order for us to get this fire apparatus? So I'm trying to delve into all possible resources, because the public thinks, by magic, we're going to come up with money. So I'd like to know if we have this \$500,000 available, approximately.

MS. MARTINEZ: Okay, Commissioner Stefanics, what we're doing right now at the request of Penny, I think for an upcoming RPA meeting, is we're updating the spreadsheet, we're confirming the projects that have been utilizing those funds, and I was preparing to get that to Penny by tomorrow, so I'll deliver you a copy as well and I'll be confirming what is available cash – what's unallocated and what's been collected over the years from the beginning of time. And there are very detailed spreadsheets that show that. I've been working with Roman and also with Stan so that we could come up with a proposed strategy for the limited resources that we do have as to how we attack apparatus, capital and facilities. So we'll be sure to get you all a copy of that updated spreadsheet as well as include any proposals that we may come up with in the slides for the January mid-session. So we'll confirm that for you.

COMMISSIONER STEFANICS: Okay. And so Mr. Chair and Commissioners and Teresa, we have identified earlier this year that we were going to move on the fire training site. Is there any way that we could modify our plan and perhaps purchase the property and not develop the property and have any savings that is

eligible?

MS. MARTINEZ: Mr. Chair and Commissioner Stefanics, I'll speak to it and then I'll let Stan add anything if he'd like to. I believe we're looking at a purchase price of \$820,000 right now. We have a little bit more than that available through bond dollars for that acquisition. So there's potential for a little bit of savings, but the bonding dollars that we're using were very specific for their purpose, which would be facilities. So we wouldn't be able to redirect that to capital or apparatus, but I believe that we can acquire that. And we also have several other fire stations that we're currently working on which would be in the facilities category. So we'll looking at that and we're trying to see how we can accommodate everything that we have going on right now.

COMMISSIONER STEFANICS: Well, Mr. Chair and Teresa, I guess I'd ask Stan, do you have any other ideas on magic for fire apparatus?

STAN HOLDEN (Fire Chief): Mr. Chair, members of the Commission, Commissioner Stefanics, there is no magic to be made. As I've stated before, I'm certainly not a finance director and I'm not an attorney but I've been here for 13 years. I think I know the County's finances very well, having worked with numerous county managers and numerous finance directors and there is no magic to be made. I think Teresa pointed out the one area that we've been able to maybe look at for facilities and that is not expanding. If we do proceed with the purchase of the training facility for \$820,000 that will leave us a little over \$600,000 that we might be able to utilize for other facilities. So because it's a general obligation bond those monies cannot by law be used for the purchase of apparatus. So it will help us a little bit in one area but not to the extent the fire department needs. There is no magic to be made.

COMMISSIONER STEFANICS: Well, Mr. Chair, the reason I'm bringing some of this up today – I know that we might have a budget study session but often times the public doesn't really listen in or look at the minutes of those study sessions. And I think we need to be as clear as possible about what options we have for acquiring some of this fire apparatus. And that it's not going to be easy without trading off some other capital expense. Thank you very much, Mr. Chair.

CHAIRMAN ANAYA: Any other comments?

XII. C. 3. 2006-2010 County Strategic Plan Update [*Exhibit 4: Power Point Presentation*]

MR. ABEYTA: Mr. Chair, this presentation is going to be even worse than the one we just had.

CHAIRMAN ANAYA: Worse?

MR. ABEYTA: Yes. You talk about magic, we may need to work magic after the first of the year. We started looking at strategic planning in early 2000, 2003, 2004. We adopted a strategic plan in 2005 and 2006 we started implementing the strategic plan. I've provided for you this packet labeled strategic plan update. You'll notice the cover, you'll find your name somewhere on the cover along with all other 900 employees we have. We're all in this together.

The mission in 2006 was to develop a unified growth management plan and

strengthen internal support services. We've done several things, accomplished several things since 2006 but now in 2009 the biggest hurdle affecting the County in going into 2010 is going to be this global economic recession. The recession so far has resulted in decisions that have forced us to do more with less, to address the effect of the recession we launched the County SAVE Initiative, which stands for Santa Fe County Accountability, Value and Efficiency Initiative. The initiative includes staff from every part of the County analyzing organizational costs and revenue streams and recommending innovative ways for the County to save money and increase revenue.

Updating the 2006 strategic plan will require staff to review and evaluate goals, priorities and projects initially identified and then develop work plans that can be accomplished in two-year increments. All of this will be a challenge given the current recession facing the County. Currently, the lack of permanent funding for health programs, the RECC, correctional operations and the fire department leaves the County in a vulnerable position. Further, the County will also need to address reduced capital funding for projects, a possible reduction in property taxes, and the fiscal impact of the food and medical gross receipts tax.

So moving to the next slide, the next slide is our strategic initiatives that were identified in 2006 and have been added since 2006. We talked and we've worked on funding for the County health programs in relation to St. Vincent's Hospital and our MOA. We've talked about the need to conduct a citizen survey to see how we are performing as a local government. We're undertaking a job description analysis for all of the County positions that we have. We have undertaken a timekeeping software system initiative. There's a lot we're dealing with right now in relation to affordable housing. We have talked about the need and we are exploring the possibility of creating a County building permit program. We've talked about senior service program and operating some of our senior centers ourselves. We've begun that with Eldorado. We're looking at taking over the Chimayo senior service and Edgewood senior service programs.

We're looking at all of our boards and committees that we staff at the County and that we have. We've talked about the need to work on a college intern program. We've worked on our in-house financial statements. We just discussed fire funding. We'll continue to work on fire funding. We purchased the Santa Fe Canyon Ranch property. We're constructing the new judicial complex. We're working on succession planning. We approved with the Corrections Department a 20-year retirement plan. We're doing the SAVE Initiative. We undertook a County reorganization in 2007. We are working with Santa Fe Studios. We could take a look at saving operational funding for the correctional facilities. We've talked about that, the need to generate revenue at both the adult facility and the youth facility. We want to automate a lot of human resource forms. We want to enhance our supervisory training opportunities.

We are undertaking the sustainable land development plan. We are working on our conjunctive water management plan. We have implemented and are implementing a public information transparency initiative. We have talked about the need to central purchasing and warehousing to try to realize savings. We identified a County-sponsored daycare for the employees. We are working on developing a human resources staff process manual. We have our capital improvements plan. We just recently approved a renewable energy financing district, and we are undertaking the County Code rewrite.

These are major initiatives. Again, some that were identified in 2006 and some that have been added since then. The next slide is the strategic initiative and which department or departments are responsible for the initiatives. So you will find the initiatives under one or more of the different departments and divisions listed above.

The next slide is accomplishments, some key accomplishments since 2006 that I won't necessarily go into. This doesn't include all of our accomplishments but again, some of the major accomplishments.

Our last slide is our budget threats slide. Any time you undertake strategic planning you need to take a look at what your threats are to you accomplishing your plan. The biggest threat facing us is budgetary. For example, the funding of the health programs, we had to come up with permanent funding sources by cutting the County budget so we did that this last fiscal year, so we're going to need to continue to operate at those levels in these departments that absorbed some of those cuts. The corrections operations, that's always a threat year after year for both the cost of running an adult facility and the youth facility.

We just discussed fire and the funding of capital and apparatus. Our capital projects, we have already seen the state take away some of our funding for capital projects. If that continues that could result in a reduction in staff resources. We are now being told that the state is considering and it's becoming more and more likely that they will no longer hold us harmless for the food and medical component of GRT. That is going to have a negative impact to our budget. We've heard a lot lately about this property tax lightening. For example, Bernalillo County has just stated that they're going to go back to property evaluations of 2002. Should we do something like that that would have a major negative effect on our budget.

And then RECC, we need to continue to find a permanent funding source for the rising costs of the RECC. So given all of that, if you add the potential of the GRT, what we're experiencing now in reduction of GRT, there should be some kind of property tax lightening. What we've just talked about with the fire tax. We weren't successful in obtaining the potential loss in revenues for capital projects. What we're currently funding, health tax and corrections tax, you're looking at about \$39 million.

Now, realistically, next year should the GRT hold harmless become a reality then that in itself can be a \$3.9 million hit to our budget or cuts that we would have to come up with. Then again, with the property tax lightening, a conservative estimate is potentially \$8.4 million. That could be less; that could be \$6 million; that could be \$2 million, but the point is, I think going into next calendar year and after the session we may have to cut our budgets more than what we did this past year. And I can tell you, we have cut our budgets to the point to where – in other words we've taken what we can with travel. We've taken what we can with contractual services. We're pretty much reaching the point to where if we have to absorb further cuts then we're looking at probably eliminating some services that we provide.

So what we would have to do is we would have to take a look at all of our services that we provide all of our divisions, our programs and we would have to define which are critical, which are essential and which aren't – which can we put on hold for a year or two? Which can we cut? We'd have to take a serious look at a furlough, a potential layoff plan, and then we would have to probably immediately implement Phase

2 of our SAVE Initiative, which would be a hard freeze, eliminate all take-home vehicles. We are allowing some right now for essential positions but we may have to cut all take-home vehicles. Do the same with cell phones to where we cut almost all cell phones and then cut all travel, including elected officials.

So we do want to have a special study session in January for a couple of reasons. One, that will we'll have our property tax report for this year in by then. We'll have a good idea of where the state is heading as far as any legislation that has been introduced that could affect us, such as this hold-harmless. We'll have more readings in regards to GRT. So far gross receipts tax is holding at about a ten percent reduction which is what we had budgeted for, what we estimated. But again, there are some serious threats that we're looking at come January and into this next year. So if any of them, or just depending on how many of them are realized we may have to make some hard decisions as a Commission and County Manager. Because then we're talking about programs and people.

CHAIRMAN ANAYA: Thank you.

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN ANAYA: Commissioner Montoya.

COMMISSIONER MONTOYA: Roman, what is under the strategic initiatives succession planning?

MR. ABEYTA: Succession planning is planning and preparing staff that could move into leadership positions as we retire or people move on.

COMMISSIONER MONTOYA: Okay. And then Mr. Chair, the question I keep going back to is when we, even before we had this GRT on the ballot for the fire tax we were told that we wouldn't need to even go to the fire tax and ask the voters again for that. Why did we do that again and why are we still experiencing an underbudget and a shortfall?

MR. ABEYTA: When we – the tax that you're referring to, in regards to the RECC, what we said is we are going to go out and ask the voters in incorporated and non-incorporated areas to implement another tax and with that tax that would cover all our costs – fire operation costs, RECC costs. Well, what happened since then is a couple of things. One is just the economy, the GRT is not realizing at the level that we thought it would, but two, the cost of running the RECC is higher than what we projected. As part of that, remember there was a lot of back and forth between us and the City because they were threatening to not support that tax if we didn't come to some kind of agreement. The agreement we made with them was that we would cover their costs of the RECC if that tax came in. And that cost is higher than what we thought it would be.

COMMISSIONER MONTOYA: So is it possible to go back and renegotiate that with the City in terms of covering an equal amount? Their fair share? The same that we're doing with Buckman and other projects that we have going on?

MR. ABEYTA: We can explore that. We can look at first of if legally we can do it and then secondly then we would need to sit down with the City and see if they'd be willing to do that.

COMMISSIONER MONTOYA: Steve, do you think legally we can do that?

MR. ROSS: Mr. Chair, Commissioner Montoya, let me think about it and

look at the various agreements we have and I'll get back to you.

COMMISSIONER MONTROYA: Okay. And then I guess under the funding of health programs, if we don't have the resources to be able to pick that up, as much as those are critical in the community and other services, I guess we should look at how we're going to prioritize what services we're going to continue and what we may have to cut back. I'd like to see some sort of analysis as to what we're doing with health and non-health-related services because to me health are critical programs. For some people this is the only service that they get in terms of healthcare related services. Corrections we've talked a little bit about the need to look at the youth facility. I think we need to put that on the table again and see whether or not that in fact is something that is going to be beneficial to not only the community but to the County's budget welfare. We're still taking a big hit on the youth facility, so I think we need to look at that as well.

So I guess I'd like to see those things in terms of the health/non-health-related services and also the youth corrections facility in terms of what can be done there also. And then explore with the City, with the RECC and the funding, the way it's currently being managed. Thank you, Mr. Chair.

CHAIRMAN ANAYA: Thank you. Commissioner Holian, then Stefanics.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. When you say the RECC has no permanent funding, there is a GRT though that is devoted to that or at least partially. Is it that we have not enough funding?

MR. ABEYTA: Mr. Chair, Commissioner Holian, yes. We're seeing that it's not enough. The GRT is not enough to sustain that operation. So that's what we need.

COMMISSIONER HOLIAN: Okay. And looking at the worst-case scenario here for fiscal year 2011 if we were to lose \$39 million worth of funding, what percentage of our budget is that?

MS. MARTINEZ: Mr. Chair, Commissioner Holian, our total budget for this fiscal year, original budget, began at about \$224 million. We've since then cut, so I don't recall the value of the cuts. \$3.4 million. I'll have to do the percentage for you because we have to calculate capital out of there and debt service to get a true figure. I'd say at least 15 percent when I take the numbers out, at a minimum.

COMMISSIONER HOLIAN: So 15 percent of our current budget would be \$39 million. And on the capital projects, are those specific capital projects or that's just reduced funding for our CIP?

MS. MARTINEZ: Mr. Chair, Commissioner Holian, it's the reduced funding that was affected by the recent activity at the state level.

COMMISSIONER HOLIAN: Oh, okay. I see what you're saying. Thank you.

CHAIRMAN ANAYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. Roman, I would ask that you and Teresa look at our enterprise funds to see what could be increased, if any, with fees. One of the things that if the public wants services continued in some of the enterprise areas then we might need to revisit some of those fees. In terms of health, I'm a big, big supporter of health programs and services but I also know that we sometimes have to go back to the basics and maybe we need to identify what basic health services should continue to always be supported before we continue to not grow but

continue to support other adjunctive services. Once we identify what the basic is, continue like with the maintenance of effort for that so that we, the Commissioners are allowed to say, yes, this is the basic that we won't ever go below and if we have funds we could increase it but we never go below.

I also think that in the future all agreements or contracts that we have between the City and the County or the County and the federal court or the County and any other entity be based upon true costs and have a clause that can be adjusted with each budget year. I certainly understand that we have sometimes made agreements with our government neighbors to become partners but in this budgetary recession I think we're going to have to look at true costs in the future and that goes back to the RECC.

And then I would ask us to do a little more analysis on the property tax lightening to really have some legal analysis as well as financial in terms of whether or not that's going to stand, whether a person can just throw something back on a couple of cases that were decided in court versus a whole class action. I understand that there are several things to look at but I do believe that just because of the budgetary times we might have to just do business a little bit differently. Thank you.

CHAIRMAN ANAYA: Thank you. I think all the other counties that I've talked to they are always asking me, how's Santa Fe County doing? How's Santa Fe County doing? And I'm always telling them, we're doing well. We're doing well. But then there comes a time when we may not be doing so well. We may have to, like Commissioner Stefanics said, go back to the basics. She took the words right out of my mouth. Go back to the basics. And it's hard to do because I think this Commission has done an excellent job, and the staff, they've done an excellent job in providing services for our constituents in Santa Fe County. I think we've done an excellent job and to have to go back and take them away is difficult. But if that's what we have to do, I think everybody should understand everybody's having a hard time. The state's having to go through furloughs. Other counties are working – Torrance County is only working on Monday through Thursday. Maybe that's an option that this County needs to do. I know that all of us can't do it but some employees maybe we can do that. That's an option to look at.

But it's always hard to have to take away things that people get used to. But we're taking away things in our own personal life because we're having to go through hard times ourselves. Is there any other comments? Roman, thank you for the presentation. It's not really what we wanted to hear.

MR. ABEYTA: No, and Mr. Chair, it's a worst-case scenario but as soon as we're getting this information we need to provide it to you and let you know what the potential impacts could be. We will have a much better idea come January. And we have done a good job and Teresa's done a good job as the Finance Department and a lot of these impacts, they're out of our control, like the property tax lightening, they taking the hold-harmless away from us. So we need to be able to adapt.

CHAIRMAN ANAYA: It's something we need to deal with.
Commissioner Stefanics.

COMMISSIONER STEFANICS: On that note, there are some state rumblings from the Taxation and Revenue Stabilization Committee about taking away some of our hold-harmless, making, as one legislator said, making the cities and the

counties feel the pain as much as the state's feeling the pain. I think that we need to be very organized and be present during the legislative session and let our Santa Fe County Commissioners know that this is not good for the people that are being served. I also think the Association of Counties needs to get on top of it so that all of the counties are speaking to their elected officials that will be here in Santa Fe, that rolling back the money that comes to us is not going to be helpful in the long term to all the residents. Thank you.

CHAIRMAN ANAYA: Thank you.

MR. ABEYTA: Thank you, Mr. Chair.

CHAIRMAN ANAYA: Moving on.

COMMISSIONER MONTROYA: Mr. Chair, before we do that, just quickly, I guess the other thing that I would just ask, Roman, is some of these are recurring and at least one of them is non-recurring, in terms of the capital projects. So maybe breaking them up that way also.

CHAIRMAN ANAYA: Thank you, Commissioner.

XII. D. Matters From the County Attorney

1. Adoption of the First Amendment to the Fourth Amendment to the Project Participation and Land Transfer Agreement Between Santa Fe County, La Luz Holdings, LLC, and Santa Fe Film and Media Studios, LLC. (Legal Department)

MR. ROSS: Mr. Chair, as you recall, I think it was two months ago this body adopted the fourth amendment to the project participation agreement. This is the agreement that provides for the sale of the 55 acres on 14 to La Luz Holdings who will in turn lease the property to Santa Fe Studios and that's where the studio project will be helped. That sale was approved two years ago by the State Board of Finance, but we made some changes in the terms of the sale, the most significant of which was we permitted the sale price to be paid over time as opposed to up front. So that change has to be approved by the State Board of Finance and they're going to hear it next week.

This amendment that's in front of you is to address comments and concerns of the staff of the Board of Finance and in particular the comments of the Attorney General staff member of the Board of Finance, the most significant of which, if you have this memo, I put it in front of you earlier, if you look at the second page there's some changes in the actual agreement that are made in red. The most significant change and the reason we're here today is in the middle of the first page there is some language that provides that the interest rate on the various loans and the interest rate attributed to the time sale of the land shall be no less than five percent.

In the original agreement, as you recall, we said that whatever interest rate we were able to achieve on the taxable bonds that you heard a little bit about earlier to provide the \$6 million loan, but say the interest rate on those bonds that we sell is five percent, well, the original agreement said that the interest rate that we would then turn around and charge to the Studios project would be no less than that. The Attorney General's office wanted us to put a number in there. So we checked with Peter and we

checked with the folks at the Studios and everybody agrees that the interest rate on the loan will not be any less than five percent. So we're establishing that as the floor for both the attributed interest on the land transaction and on the actual \$6 million loan.

That's the most significant change. The other things are just extending the inspection period to provide for a closing some time in the middle of this month and authorizing you, Mr. Chair, to sign this document. I stand for questions.

CHAIRMAN ANAYA: Any questions of Steve? Hearing none, what's the pleasure?

COMMISSIONER MONTROYA: Move to approve.

COMMISSIONER HOLIAN: Second.

CHAIRMAN ANAYA: Motion by Commissioner Montoya, second by Commissioner Holian. Any further discussion? Steve, every time I think we've got the Studios out the door we keep bringing them back. I know there's things we've got to take care of but I always think, okay, this is it. This is it. I'm anxious to get those studios built so we can start getting some people working.

MR. ROSS: If we get through next week, Mr. Chair, we'll be there.

CHAIRMAN ANAYA: Okay. That'd be great.

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

MR. ROSS: Mr. Chair, we need an executive session. We can either take it up now or after the public hearing item. But we'll need it on items a, a.1, b, and c.

CHAIRMAN ANAYA: Let's go ahead and go to public hearings. It's 5:00 and we'll take care of that if that's okay with the Commission. And then we can go in and have executive session. Is it okay if we start five minutes earlier? Let's take a five minute break and we're back at five to hear the public hearing.

[The Commission recessed from 5:00 to 5:09.]

XIII. PUBLIC HEARINGS

- A. CDRC CASE # MP/PDP 09-5460 Santa Fe Studios Master Plan/Preliminary Development Plan Phase I. Santa Fe Studios (Owner), Santa Fe Planning: Scott Hoeft, Agent, Request Master Plan Approval for a Proposed Motion Picture and Television Production Facility on 65 Acres, and Preliminary Development Plan Approval for Phase 1 (Approximately 11.5 Acres). The Project is Located on Montañas del Oro and State Route 14, in Section 36, Township 16 North, Range 8 East (Commission District 5) Shelley Cobau, Case Manager**

SHELLEY COBAU (Review Director): Thank you, Mr. Chair. On December 3, 2009 the CDRC met and acted on this case. The unanimous decision of the CDRC was to recommend approval. The applicant requests master plan and Phase 1 preliminary development plan approval for a motion picture and television production facility on 65 acres in central Santa Fe County just east of the State penitentiary within

the Community College Media District Zone. That is included as Exhibit A in your packet. The project features sound stages, production support, space support, lighting shops, mill shops and executive offices. Approximately 524,600 square feet of space will be provided in the first two phases with Phase 1 containing 137,800 square feet of this total.

Sound stages will be approximately 66 feet in height and will be pueblo style architecture to reduce massing effect. Phase 1 includes seven 1500 square foot temporary bungalows and a temporary café. All proposed uses in phases 1 and 2 and in the override parcel, which is Phase 3 are consistent with those allowed within the Community College Media District Ordinance, 2007-10.

The applicant has submitted a development report which is included as Exhibit B in your packet, a traffic impact analysis, geo-technical report, technical drainage study, archeological report, and design plans in accordance with the Land Development Code requirements. These submittals have been reviewed by County staff and external agencies and the comments are included herein as Exhibit E.

Notably this is an economic development project with Santa Fe County as an active partner and contains a Local Economic Development Act or LEDA element. Santa Fe Studios meets the criteria for LEDA project through employment opportunity development for our local workforce. As outlined in the project participation agreement Santa Fe County will be responsible for construction of all offsite improvements needed for Phase 1 of the project on State Route 14 and will be a partner in lease profits for Phase 3, which is the override parcel. As stated in the memorandum from Santa Fe County Planning, and I quote, "With the potential growth of the film industry in New Mexico there is a demand for a production facility in Santa Fe and the media park is ideally located to house such a facility. The studio would provide high-paying jobs for local residents with few if any adverse impacts upon the quality of life in the community."

The site was reviewed by County staff for the following conditions: Access and traffic impact, terrain management, phasing, existing conditions, landscaping, rainwater harvesting, water and liquid waste, solid waste, fire protection, open space and archeology, architectural design, signage and lighting.

Staff recommendation: The application is in compliance with Ordinance 2000-12, the Community College District, Section 4.b, Master Plan Procedures, and Section 4.c, Preliminary Development Plan Procedures, and is in compliance with Ordinance 2007-12, the Media District Zone. Staff recommends master plan approval for the 65-acre Santa Fe Studios project and further recommends preliminary development plan approval for the 11.5-acre Phase 1 portion of the project, and requests that final development plan for Phase 1 be reviewed and approved administratively. The recommendation for master plan and preliminary development plan approval for Phase 1 is based upon the following conditions. Mr. Chair, may I enter those conditions to the record please?

[The conditions are as follows:]

1. Compliance with applicable review comments from the following:
 - a) State Engineer
 - b) State Environment Department
 - c) State Department of Transportation

- d) County Water Resources Specialist/County Hydrologist
 - e) County Public Works
 - f) County Fire Marshal
 - g) County Building and Development Services Division
 - h) State Historic Preservation Office
 - i) Rural Addressing
 - j) County Utility
 - k) County Planning
 - l) County Open Space and Trails
2. The master plan preliminary development plan and lot line adjustment plan must be recorded with the County Clerk's office.
 3. All redlines will be addressed, original redlines will be returned with final plan.
 4. All utilities, with the exception of the relocated PNM Transmission Line, shall be placed underground.
 5. Modifications to phasing and building square footage shall be reviewed and approved administratively prior to recordation of final development plans for each phase of development.

CHAIRMAN ANAYA: Are there any questions of Shelley?

Commissioner Montoya.

COMMISSIONER MONTOYA: Shelley, this pretty much has followed everything that we have within the media district code?

MS. COBAU: Mr. Chair, Commissioner Montoya, that's correct.

COMMISSIONER MONTOYA: All right. Thank you, Mr. Chair.

CHAIRMAN ANAYA: Any other comments?

COMMISSIONER STEFANICS: Yes.

CHAIRMAN ANAYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: Mr. Chair, Shelley, it's been brought to my attention, well, we had an earlier conversation today about the fire tax defeat, and the loss of that fire tax means not having the ability to purchase some equipment and fire apparatus. What are the plans for the fire coverage in this area? And this was brought to my attention by individuals living along Highway 14.

MS. COBAU: Mr. Chair, Commissioner Stefanics, the County Fire Department has reviewed this project and they have provided comments. I believe it's in Exhibit E. And in their comments they outline that they'd like the buildings to be sprinkler and they have some other criterion regarding the studios themselves. The studios are 66 feet in height. The Media District does allow 80 feet in height. So that height I know does present some concern for the Fire Department. They have commented on that concern and it's really close to their main headquarters there. It's right by the main EOC.

COMMISSIONER STEFANICS: Well, my question is more basic than that. The question has to do with are we going to have the fire equipment necessary with the loss of the fire tax to take care of a building of this height by either the Turquoise Trail volunteer fire department or the new fire station in Rancho Viejo?

MS. COBAU: Mr. Chair, Commissioner Stefanics, I can't answer that

question. The Fire Department ordered the equipment. I don't know what they had ordered or what the fire tax is going to support. So I'm sorry I can't answer that.

CHAIRMAN ANAYA: What did their report say in the packet? Did they have any comments?

MS. COBAU: Mr. Chair, I'm looking for that right now. Could I just have a minute and I'll get back to that?

CHAIRMAN ANAYA: Sure. Any other comments? Okay, is the applicant here?

[Duly sworn, Scott Hoeft testified as follows:]

SCOTT HOEFT: Scott Hoeft, Santa Fe Planning Group, 109 West St. Francis, 87501. We have a brief presentation this evening. I will say that we can go into quite a bit of detail, as you know that I can, but I'm going to keep it brief this evening simply because I know that you folks have seen this quite a bit over the last three years. The plans really haven't changed that much. We've been tweaking the buildings. We've been adjusting it, but the square footages, the phasing, all of that pretty much stands the same.

However, that being said, if you would like me to do a refresh on this project I can definitely do that. Other than that I'm going to stand for questions. Mr. Hool, Jason, who's sitting behind me does have a few points that he would like to bring you up to date on. Commissioner Stefanics raises an excellent question regarding fire protection and we did, back in the early stages of the project, back in the spring, we met with Buster Patty and the Fire Department probably on about six different occasions to address these questions. And it seems as though circumstances have changed. So I think what would be warranted is for us to sit down again with Buster and light of these circumstances put together a plan that takes into account Turquoise Trail and their resources combined with the new station that's going to be designed at Rancho Viejo and what they do or don't have. And then possibly work in conjunction with the City of Santa Fe is what I'm thinking. But I think you're right. We need to think this through and to find out exactly what the best way is to accomplish fire protection. And at that, maybe we can present that plan to the staff and get their approval on that.

COMMISSIONER STEFANICS: Mr. Chair, I think that if the Santa Fe Studios project would make a commitment to looking into how the fire protection can be handled in partnership with the community I would really appreciate that.

MR. HOEFT: We certainly will, Commissioner.

COMMISSIONER STEFANICS: Thank you.

MR. HOEFT: With that, I introduce Jason.

CHAIRMAN ANAYA: Okay. Thank you.

[Duly sworn, Jason Hool testified as follows:]

JASON HOOL: Jason Hool, Santa Fe Studios, Santa Fe County. Good evening, Commissioners. I wanted to say a few words on the project and where we are. Currently, we are finalizing the construction drawings, the architects are busy doing that, taking what you see here down to the next nail and stud and wall and where all that goes. Our goal is to have the first production occupy the space upon Certificate of Occupancy, which should be at least, at the worst-case scenario, a year from today. Lance is currently visiting with the major studios in Hollywood as we speak and he's meeting with our

board members and giving them an update on the progress and identifying productions for 2010 to come to Santa Fe Studios.

We anticipate to make our first major bookings this summer as we get closer to completion of construction. We are continuing to work with Santa Fe Community College and our other educational partners regarding internships and their training programs, and in conclusion I would just like to say that we're very confident with the state, the County, and the personal family investment into the project that we will have a world-class film studio upon Phase 1 completion. Thank you.

CHAIRMAN ANAYA: Any questions of Mr. Hool? Commissioner Montoya.

COMMISSIONER MONTOYA: I would move for approval of staff's recommendations and conditions.

COMMISSIONER VIGIL: I'll second it, Mr. Chair.

CHAIRMAN ANAYA: There's a motion and second but I want to go into public hearings first and then we'll come back to that motion and second. Is there anybody in the audience that would like to speak either for or against this case? Ma'am, go ahead and come forward.

[Duly sworn, Helen Boyce testified as follows:]

HELEN BOYCE: Helen Boyce, 3741 Turquoise Trail. We just had a question on where the studio's water comes from. We discussed this in the back and hadn't read anything about it. And also where refuse goes because sets, debris, etc., etc. doesn't appear in our landfill. Have they made any arrangements and what the cost of those two items were of concern to us.

CHAIRMAN ANAYA: Okay, the water and what was the second one?

MS. BOYCE: Refuse. Solid – we always have troubles with our landfills and I know that a studio creates probably quite a bit of it that has to go somewhere.

CHAIRMAN ANAYA: Okay. Can we answer that question, Shelley?

MS. COBAU: Yes, Mr. Chair. I can go back to the fire question also.

CHAIRMAN ANAYA: Okay. Go ahead.

MS. COBAU: Duncan Sill has contacted Captain Patty and what would be required to fight a fire right now with the building 66 feet in high would be a Quint ladder. The Fire Department doesn't have one at this time so they would depend on aerial support should a fire break out in one of the taller structures at this time.

Regarding solid waste, the studio will have solid waste containers and will be privately contracting with a solid waste provider to remove their trash. They're very green so I'm sure they'll be doing a considerable amount of onsite recycling but they can speak to their recycling efforts. Water will be provided by Santa Fe County as part of the JPA.

MS. BOYCE: They will not drill their own well for their supplies.

MS. COBAU: No, ma'am. There's an existing 16-inch water line that crosses the site and they'll be connecting into that.

MS. BOYCE: Thank you. I don't know if other San Marcos members have questions.

CHAIRMAN ANAYA: Thank you, Helen. Is there anybody else in the audience that would like to come forward under Matters from the Public? Hearing none

then this Matters from the Public is closed. There's a motion by Commissioner Montoya and second by Commissioner Vigil, who is joining us by telephone. Any further discussion?

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

CHAIRMAN ANAYA: Thank you all. Good luck and hopefully we'll see you for Phase 2 soon.

- XII. D. 2. Executive Session**
- a. Discussion of Pending of Threatened Litigation**
 - i. Discussion of proposed stipulation in PRC Case #09-00260-UT**
 - b. Limited Personnel Issues**
 - c. Discussion of the Purchase, Acquisition or Disposal of Real Property or Water Rights**

CHAIRMAN ANAYA: Is there a motion to go into executive session?

COMMISSIONER HOLIAN: Mr. Chair.

CHAIRMAN ANAYA: Commissioner Holian.

COMMISSIONER HOLIAN: I move that we go into executive session where we will discuss pending or threatened litigation, discussion of proposed stipulation in proposed PRC Case #09-00260-UT, also limited personnel issues and collective bargaining.

CHAIRMAN ANAYA: There's a motion.

COMMISSIONER HOLIAN: Is there also purchase of –

MR. ROSS: Mr. Chair, actually not collective bargaining. I didn't have collective bargaining but I would like to discuss purchase, acquisition or disposal of water rights.

COMMISSIONER HOLIAN: Okay, I amend that to include discussion of purchase, acquisition or disposal of water rights.

CHAIRMAN ANAYA: Okay, there's a motion.

COMMISSIONER STEFANICS: Second.

CHAIRMAN ANAYA: And a second. Roll call.

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

[The Commission met in executive session from 5:20 to 7:02.]

CHAIRMAN ANAYA: Could I have a motion to come out of executive session?

COMMISSIONER STEFANICS: Mr. Chair, I move we come out of

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executive session where we discussed pending or threatened litigation, discussion of proposed stipulation in proposed PRC Case #09-00260-UT, limited personnel issues and acquisition or disposal of water rights, no decisions being made.

COMMISSIONER MONTOYA: Second.

CHAIRMAN ANAYA: There's a motion and a second.

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

XIV. ADJOURNMENT

Chairman Anaya declared this meeting adjourned at approximately 7:03 p.m.


Approved by:

Board of County Commissioners
Mike Anaya, Chairman

ATTEST TO:

VALERIE ESPINOZA
SANTA FE COUNTY CLERK

Respectfully submitted:


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