



COUNTY OF SANTA FE )  
STATE OF NEW MEXICO ) ss

BCC MINUTES  
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## SANTA FE COUNTY

### BOARD OF COUNTY COMMISSIONERS

#### MEETING

**May 11, 2010**

**Harry Montoya, Chair – District 1**

**Kathy Holian – District 4**

**Liz Stefanics – District 5**

**Virginia Vigil – District 2**

**Michael Anaya – District 3**

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

**May 11, 2010**

This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 2:12 p.m. by Chair Harry Montoya, in the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

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

**Members Present:**

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

**Members absent:**

[None]

**V. INVOCATION**

An invocation was given by Phil Pacheco from the Assessor's Office.

**VI. APPROVAL OF THE AGENDA**

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- B. Tabled or Withdrawn Items**

ROMAN ABEYTA (County Manager): Mr. Chair, we have several amendments to this day's agenda. The first is going to be under IX. Special Presentations A, the presentation recognizing Andrea Castellano, that's going to be withdrawn at this time and we'll take care of that at a later meeting date. On page 2 of the agenda, under Matters from the Commission, XI. B, a joint resolution establishing the City and County Alcohol Abuse Board, staff would recommend that this be tabled at this time. There are some language clarifications that we'd like to deal with with the existing resolution and we also are going to be meeting with the DWI Planning Council this week. So I'd like to

discuss this resolution with them also. We'll put this back on the agenda, possibly in two weeks for the Commission to consider.

The item H, a proclamation recognizing St. Michael's Pony Express Drill Team, that item is being tabled, and we added an item J, which is a resolution regarding comprehensive immigration reform.

Under the Consent Calendar, XII. B. item 3, we need to make a clarification. The request is for \$250 of community funds for the horse shelter only and not Heart and Soul Sanctuary.

Moving to page 3 of the agenda, still under the Consent Calendar, D. Miscellaneous, item 2, the MOA between the County of Santa Fe and City of Santa Fe for joint GRT funding for road projects is tabled.

Then moving to page 5 of the agenda, Mr. Chair, under public hearings, XIV, item number 3, CDRC Case 08-5210, Sandstone Pine Estates is tabled. Item number 8, CDRC Case Z 09-5520, New Mexico Boys and Girls Ranch master plan is tabled. And there was an addition to the agenda, item number 9, which is reconsideration of CDRC Case S 09-5211, Saddleback Ranch. Those are the amendments that staff has, Mr. Chair.

CHAIRMAN MONTOYA: Okay. Thank you, Roman.

COMMISSIONER VIGIL: Move to approve.

COMMISSIONER HOLIAN: Mr. Chair.

CHAIRMAN MONTOYA: Commissioner Holian.

COMMISSIONER HOLIAN: I don't know if this is an appropriate time but I would like to make a motion to entirely remove item XIV. A. 1, which is an emergency interim development ordinance.

COMMISSIONER VIGIL: I'll second that.

CHAIRMAN MONTOYA: We can add that as a removal.

COMMISSIONER VIGIL: If you're amending my motion I agree with that.

COMMISSIONER HOLIAN: Well, I guess what I'm saying is that I would like for this to be completely removed, not just removed from the agenda, and my understanding is I would have to make a motion to do that. Is that true?

STEVE ROSS (County Attorney): Mr. Chair, Commissioner Holian, we're under approval of the agenda so you could indicate now that that item is withdrawn permanently, and then as we do the motion and approval of the agenda then it would be withdrawn as a part of the whole agenda. Unless you want to do it separately.

COMMISSIONER HOLIAN: No.

COMMISSIONER VIGIL: I would include that as an amendment to my motion, Mr. Chair, that it be withdrawn permanently.

COMMISSIONER HOLIAN: Second.

CHAIRMAN MONTOYA: So we have a motion by Commissioner Vigil, second by Commissioner Holian with amendments. Any other discussion?

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN MONTOYA: Commissioner Anaya.

COMMISSIONER ANAYA: Which one was that?

CHAIRMAN MONTOYA: XIV. A. 1, on page 4, that's the emergency development ordinance prohibiting the –

COMMISSIONER ANAYA: Okay. And I'd also like to remove item  
XIV. A. 9.

COMMISSIONER VIGIL: That's been tabled, Mr. Chair.

CHAIRMAN MONTOYA: No, it hasn't. Would you like to withdraw it  
permanently?

COMMISSIONER ANAYA: Permanently withdraw.

CHAIRMAN MONTOYA: Okay. Will the seconder and the maker of the  
motion agree to that amendment as well?

COMMISSIONER VIGIL: Mr. Chair, I just need further clarification.

Commissioner Anaya, do you mean we will never consider this case? Okay. I understand.  
I was looking at the wrong item. I consider that an amendment to my motion.

COMMISSIONER HOLIAN: And I agree.

CHAIRMAN MONTOYA: Okay. Any other discussion?

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

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

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

CHAIRMAN MONTOYA: Approval of the Consent Calendar. Any  
withdrawals?

COMMISSIONER STEFANICS: Mr. Chair.

CHAIRMAN MONTOYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: I would like to remove item XII. B. 5  
for discussion.

CHAIRMAN MONTOYA: Okay. Any other withdrawals? Okay, if not  
could I have a motion to approve the Consent Calendar?

COMMISSIONER HOLIAN: Motion to approve with withdrawal.

COMMISSIONER VIGIL: I'm sorry, Mr. Chair. I'd like to look at D. 4  
for discussion.

CHAIRMAN MONTOYA: Okay. Any other withdrawals? If not we have  
a motion by Commissioner Holian.

COMMISSIONER STEFANICS: I'll second.

CHAIRMAN MONTOYA: Second by Commissioner Stefanics.

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

## **XII. CONSENT CALENDAR**

### **A. Budget Adjustments**

- 1. Resolution No. 2010-85. A Resolution Requesting an Increase to the State Special Appropriations Fund (318) to Budget A Grant Awarded Through the New Mexico Department of Finance and Administration for the Nambe Head Start Program / \$200,000 (Community Services Department)**

2. **Resolution No. 2010-86. A Request to Budget a Market Rent Study from Funds Received From the Lease Payments From the Women's Health Complex for that Facility (Community Services Department)**

**B. Community Funds**

1. **Request for Approval of \$250 of Community Funds for the Lamy Railroad & History Museum (Commissioner Stefanics)**
2. **Request for Approval of \$250 of Community Funds for the Eldorado Teen Center (Commissioner Stefanics)**

**C. Final Orders**

1. **BCC Case # MIS 10-5150 the Downs At Santa Fe Master Plan Extension. The Pueblo of Pojoaque Development Corporation, Applicant, Request A Two-Year Time Extension of a Previously Approved Master Plan. The Request Included Modifications to Conditions Which Require That All Manure and Unpermitted Trash Be Removed, Which Limits the Downs to Six (6) Special Use Permits for Major Events Prior to Final Development Plan Approval, and Which Limits Flea Market Use to One Weekend Per Month. The Property is Located within the La Cienega Traditional Historic Community, at 27475 I-25 West Frontage Road, within Sections 26 & 27, Township 16 North, Range 8 East (Commission District 3) Jose E. Larrañaga, Case Manager, APPROVED 5-0**

**D. Miscellaneous**

1. **Approval of State of New Mexico Governmental Services Agreement Between the Energy, Minerals and Natural Resources Department and Santa Fe County Using ARRA (Stimulus) Funds From the U.S. Department of Energy (DOE) in the Amount of \$475,520 to Provide Energy Efficiency Measures (EEMS) Improvements to County Facilities That Shall: 1) Increase Energy Efficiency in County Buildings; 2) Increase Fleet Transportation Efficiency By Avoiding Vehicle Miles Traveled (VMT); and 3) Replace Street Lighting with High-Efficiency Light Emitting Diode (LED) Lamps.**
2. **MOA Between the County of Santa Fe and the City of Santa Fe for Joint GRT Funding for Roads Projects Approved By the Regional Planning Authority (TABLED)**
3. **Resolution No. 2010- A Resolution Ratifying the County Manager's Execution of Documents Necessary to Purchase Tracts 4G, H, and I From Santa Fe Canyon Ranch, LLC**
4. **Memorandum of Understanding Between the City of Santa Fe and Santa Fe County for A Wastewater Collection System Discharging into the City Wastewater System ISOLATED FOR DISCUSSION**

5. Consideration and Approval of Proposed Lease and Operating Agreement on the Penitentiary Wastewater Treatment Plant and System with the New Mexico General Services Department, Property Control Division **ISOLATED FOR DISCUSSION**
6. **Approve a No-Cost Lease Between Santa Fe County and the City of Santa Fe for Use of One Office in the Santa Fe County Health & Human Services Building At 2052 South Galisteo St., Santa Fe, NM to be Used by a Part-Time City of Santa Fe Employee Working with Domestic Violence Offenders**

**VIII. APPROVAL OF MINUTES**

**A. April 13, 2010**

COMMISSIONER ANAYA: So moved.

CHAIRMAN MONTOYA: Motion by Commissioner Anaya.

COMMISSIONER STEFANICS: Second.

CHAIRMAN MONTOYA: Second by Commissioner Stefanics.

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

**X. MATTERS OF PUBLIC CONCERN –NON-ACTION ITEMS**

CHAIRMAN MONTOYA: This is the portion of the meeting where if anyone would like to address the Commission on issues not on the agenda please come forward. Seeing none, we'll move on.

**XI. MATTERS FROM THE COMMISSION**

**A. A Proclamation to Honor Emergency Medical Service Personnel Proclaiming the Week of May 16 Through May 22, 2010 as Emergency Medical Services Week (Commissioner Vigil)**

COMMISSIONER VIGIL: Thank you, Mr. Chair. I do believe Captain Mestas and Mr. Sperling are here to receive this proclamation. I'm very honored to do it and I welcome the opportunity to always bring forth a recognition towards own line of first defenders. And with this, Mr. Chair, I'd like to read the proclamation. What we'd like to do is give it to you, take pictures and then give you a few words to respond if you'd like.

Whereas, emergency medical services personnel have increasingly become the frontline public servants in light of the horrendous incident of September 11, 2001 that forever changed the world; and

Whereas, in recognition of their dedication and commitment to serving the citizens of New Mexico and providing life-saving care 24 hours a day, seven days a week, that directly affects the citizens of Santa Fe County; and

Whereas, access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illnesses or injury related to traumatic injury, respiratory, cardiac arrest and many other medical emergencies; and

Whereas, emergency medical service providers have traditionally served as the safety net of our County health system; and

Whereas, many physicians, nurses, firefighters and emergency medical technicians in Santa Fe County have devoted their lives to serving others; and

Whereas, emergency service providers in Santa Fe County are volunteers and paid career staff who have dedicated a tremendous amount of time and effort in updating their training and education to provide and improve emergency medical services to our citizens; and

Whereas, the observance of Emergency Medical Services Week recognizes the accomplishment of all members of the emergency medical care system, including emergency dispatchers, first responders, firefighters, law enforcement officers, emergency medical technicians and paramedics;

Now, therefore, the Board of County Commissioners of Santa Fe County hereby proclaim the week of May 16 through May 22, 2010 as Emergency Medical Services Week throughout Santa Fe County, and urge all citizens to recognize and honor all our emergency medical service providers in Santa Fe County.

With that, Mr. Chair, I move for approval.

COMMISSIONER HOLIAN: Second.

CHAIRMAN MONTOYA: Motion by Commissioner Vigil, second by Commissioner Holian. Any discussion?

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

DAVE SPERLING (Deputy Chief): members of the Commission, on behalf of the department I just want to say thank you very much. Commissioner Vigil, we certainly very much appreciate it and on behalf of all of our volunteer and career personnel who respond to over 5,000 emergency calls per year I think it's appropriate that we recognize their efforts and I thank you very much.

COMMISSIONER VIGIL: Thank you for all that you do. We appreciate it.

**XI. B. A Proclamation in Recognition of the 175<sup>th</sup> Anniversary of San Isidro Catholic Church (Commissioner Vigil)**

COMMISSIONER VIGIL: Thank you, Mr. Chair, and I'd like to ask one of my favorite constituents to approach the podium, who we all know and love. I've mentioned this special occasion in the last several meetings because it's really a one-time celebration. San Isidro Church which was established 175 years where we know now and I'm so glad Melinda is here to receive this proclamation because if there's ever anyone I need to turn to, the history of San Isidro and Agua Fria Village, Melinda's the one I turn

to. Mr. Chair, with that, I'll proceed with the proclamation. We'll give it to you, take pictures and then hopefully you'll share some of your wisdom with us.

Whereas, in 1835, under the generous assistance of Mayordomo don Jacinto Gallegos, the San Isidro Catholic Church was erected at its present location in the traditional historic community of Agua Fria Village in Santa Fe, New Mexico; and

Whereas, because the residents were farmers and sustained their families from the crops and animals from the generosity of the water from the Santa Fe River, the villagers named their church San Isidro after the patron saint of Spain; and'

Whereas, in the 1800s until 1931 San Isidro Church was a mission of St. Francis Cathedral under the auspices of the Franciscan friars who rode on horseback into the village to celebrate mass, respond to sick callers and administered last rites; and

Whereas, in 1931 San Isidro became a mission of Our Lady of Guadalupe parish, and in 1942 when St. Ann Catholic Church was erected San Isidro became a mission of that parish; and

Whereas, on October 25, 1975, Archbishop Robert F. Sanchez elevated San Isidro from a mission to a parish of the archdiocese of Santa Fe; and

Whereas, in 1982, Father Franklin Preto was assigned the pastorship of San Isidro parish and continues to serve in this capacity providing spiritual guidance to its parishioners; and

Whereas, Michael J. Sheehan, Archbishop of Santa Fe has shown his support and encouragement to the people and the parish of San Isidro in Agua Fria; and

Whereas this year marks the 175<sup>th</sup> anniversary of this beautiful historic landmark church in the traditional historic community of Agua Fria Village;

Now, therefore be it resolved that we the Board of Santa Fe County Commissioners hereby recognize San Isidro Church for 175 years of charitable works resulting in a tremendous impact on not only the village of Agua Fria but on Santa Fe County as a whole.

Mr. Chair, I move for approval of this proclamation.

COMMISSIONER HOLIAN: Second.

CHAIRMAN MONTROYA: I have a motion by Commissioner Vigil, second by Commissioner Holian. Any discussion? Thank you, Commissioner Vigil. I just want to say that a lot of these historical churches that we have in New Mexico transcend a lot of generations in terms of history and culture and I'm looking forward to hearing what you have to say.

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

CHAIRMAN MONTROYA: Go ahead, Melinda.

MELINDA PIKE: County Commissioners, I am very honored to be here to receive this proclamation on behalf of my pastor, Father Franklin Preto, in the parish community of Agua Fria. We are very honored that you have bestowed us this honor and also we are humbled and appreciate it very much. To say a few words like you were anticipating me to say something, in the years prior to 1835 the people in Agua Fria, and there were just a scant few, but it was very far for them to come to the parroquia for services, so they decided that they were going to erect their own little church. So my



great grandfather, Jose Jacinto Gallegos, decided that he would donate the land and asked his neighbors if they would help build the church. And they agreed. And my great grandfather took his hat off at the site where the church is located now, tossed it to the wind, and wherever the hat fell that's where the church was going to be erected. Since that day it's still in existence giving service to everybody in the area and anybody that wants to worship in that place.

The San Isidro Church has been very instrumental in the past years in keeping the community cohesive and together, and that was a center of all activities, whether they were religious, social, educational, and of course, you didn't have no conflict with church and state, like they've separated today where even if you put a little cross in the wrong place it's bad news. But it was and has been a main contributor to the community. Thank you, and I am honored and thank you, Commissioner Vigil.

COMMISSIONER VIGIL: Thank you, Melinda. Appreciate your being here. She also is one of our living treasures, Mr. Chair, and I would just underscore this presentation by saying that the ceremonies for the 175<sup>th</sup> anniversary will be this Saturday, May 15<sup>th</sup> at 5:00 p.m. This Saturday.

CHAIRMAN MONTROYA: All right. Thank you, Commissioner Vigil. Thank you, Melinda.

**XI. C. A Proclamation Recognizing the St. Michael's High School Wrestling Team as 2-AAA District Champions (Commissioner Montoya and Commissioner Holian)**

COMMISSIONER HOLIAN: Thank you, Mr. Chair. I am greatly honored to be co-sponsor of this proclamation and your district championship was a great achievement. Just on a personal note I'd just like to say that my dad was on the wrestling team, not at St. Michael's but back in Indiana where he grew up when he was in high school. And he was kind of a small fellow, kind of small and scrappy, but he would get into these wrestling matches with his friends and with his brother and he'd usually win. And I think that what that shows is that with wrestling, brains and strategy are every bit as important as sheer physical strength. So with that I'd like to read the proclamation.

Whereas, the community of Santa Fe recognizes the efforts of our youth and encourages them to partake in productive activities, which are rewarding to the individual as well as the community, extracurricular activities promote character and encourage dedication and teamwork. Dedication and hard work result in success; and

Whereas, the St. Michael's wrestling team proved its commitment and skill in competing at the New Mexico State tournament in becoming AAA state champions, and 2-AAA district champions; and

Whereas, the St. Michael's High School wrestling team is recognized for its outstanding performance, winning the state team championship, a recognition last received 34 years ago, in 1976; and

Whereas, Santa Fe County recognizes the young student athletes and the coaching staff of St. Michael's High School who worked hard to compete at their very best this season;

Now, therefore be it resolved by the Santa Fe Board of County Commissioners proclaims the 11<sup>th</sup> of May, today and therefore, St. Michael's Horsemen Day throughout Santa Fe County.

COMMISSIONER VIGIL: I'll move for approval

CHAIRMAN MONTOYA: Motion by Commissioner Vigil.

COMMISSIONER STEFANICS: Second.

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

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

CHAIRMAN MONTOYA: I have the honor of co-sponsoring this proclamation along with Commissioner Holian. I used to coach at St. Mike's, was the basketball coach there quite a few years ago, and at that time the wrestling team was up and coming and certainly you've gotten to the point now where congratulations, you're state champs. Along with that you had six individual champs. You had 11 wrestlers who went to the finals, more than any other team. Captured the six state titles and five captured the state runner-up title. I want to recognize, and when I call your name, if you're here please come forward and then we'll have a photo at the end and allow the coaches an opportunity to speak as well.

I'd like to call first of all the head coach, Pat Aranda. Is Pat here?

ANTHONY PEPERAS: Mr. Chair, Commissioners, no. He's actually coaching the state golf, the girls' team.

CHAIRMAN MONTOYA: Oh, so they don't give him a break.

MR. PEPERAS: No, he didn't get a break.

CHAIRMAN MONTOYA: So Anthony Peperas, you're next. Joaquin Garcia, if you could come up. Anthony Martinez, and the managers, Jaime Palermo and Alex Aranda. Then we'll start now with the weight classes. 103, Anthony Bernal, State runner-up. You're an eighth-grader, Anthony? Way to go. Adrian Montoya, 112, State champ, sophomore. 119, Joaquin Garcia, State runner-up, also a sophomore, who's not here. Koery Windham, State champ, 125, eighth-grader. Boy, you guys are going to be tough for a while. Got a good future there.

130, Matthew Cantu, State champ, junior. 135, Dominic Sanchez, State runner-up, sophomore. 140, Ishmael Romero, State runner-up, junior. 145, Jess Martinez, State champ, two times, and he's a sophomore. 152, Luke Sanchez, a freshman. 160, Doug Pacheco, State runner-up, he's a senior. 171, Ryan Gorman, third place, junior. 189, Michael Aranda, State champ, two times, senior. Is he playing golf with his dad? 215, Michael Lamb, State champ, junior. And heavy weight, Lars Lindquist, junior.

I certainly want to congratulate Pat Aranda the head coach who was also the Coach of the Year. And Mike Aranda, who is not here, was recognized as the outstanding wrestler of the state at 189 pounds, and Jess Martinez took All-American status in Virginia as outstanding. So congratulations to the Horsemen.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN MONTOYA: Commissioner Anaya.

COMMISSIONER ANAYA: I'd like to thank you all for bringing the St. Mike's Horsemen to the Commission and recognizing them. I would also like to thank the coaches for their dedication and also thank the parents for working hard. Bless you. I played sports when I was in high school. I went to Santa Fe High School. It's not very often I clap for Horsemen but I'll make an exception today. But anyway, thank you all very much.

CHAIRMAN MONTOYA: Okay. Coach Peperas, would you like to say something?

MR. PEPERAS: Chairman Montoya and Commissioners, on behalf of St. Mike's administration, the faculty, the parents and wrestlers, we'd like to thank you for the recognition here today and I personally would like to thank the athletes here. It was a privilege and an honor to coach them during the year, and for the parents and all their support. I think it's quite an accomplishment for them and their proud to give the City of Santa Fe their first wrestling state title in 34 years. So thank you.

CHAIRMAN MONTOYA: Thank you, Coach. Congratulations.

COMMISSIONER ANAYA: And we'll see you next year.

CHAIRMAN MONTOYA: Or about the next four years. And I want to expressly recognize Epi Montoya, who is one of the County employees also. Thank you, Epi, for bringing this forward.

You're welcome to stay for the rest of the meeting; you'll get a good civics lesson. Otherwise, if you have to go practice you're free to leave. Thank you for coming. Parents, thank you.

#### **XI. E. NCRTD Update (Commissioner Stefanics)**

COMMISSIONER STEFANICS: Thank you Mr. Chair. At this last meeting we completed the annual evaluation of the executive director, and noted that her evaluation and her salary evaluation along with her work evaluation will occur from now on on July 1 of each year and not throughout the year.

The second item I have is a newsletter that's sitting on my desk that I'll bring out to you in a few minutes. That's all.

CHAIRMAN MONTOYA: Thank you. Any questions?

COMMISSIONER VIGIL: I do.

CHAIRMAN MONTOYA: Commissioner Vigil.

COMMISSIONER VIGIL: And Commissioner Stefanics, you may not have an update on this. I know that the Regional Planning Authority is looking towards making some recommendations. How is NCRTD receiving those? Is there a timeline in terms of some of those recommendations?

COMMISSIONER STEFANICS: Yes. The NCRTD Board did accept all the recommendations and the routes that the NCRTD will be starting themselves, which is basically Highway 14 from the 599 station, will start July 1.

COMMISSIONER VIGIL: Oh, good to know that.

COMMISSIONER STEFANICS: Actually, the 599 – there'll be two different routes. One will be going to IAIA, and one to Santa Fe Community College for

the students, and then another route down to the Department of Corrections, our detention center and National Guard, and Homeland Security.

COMMISSIONER VIGIL: Good. Do we have any update on any other recommended – like the Eldorado?

COMMISSIONER STEFANICS: They accepted the recommendations fully. So those continue to be in place.

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

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN MONTOYA: Commissioner Anaya.

COMMISSIONER ANAYA: They accepted the recommendations fully? What do you mean?

COMMISSIONER STEFANICS: That meant that what the RPA put forward they accepted. We actually – Penny is here, but she and I asked the executive director of NMRTD to provide us more detailed information on the Moriarty-Edgewood-Stanley ridership. It came to our attention that the Moriarty does have a transportation route that is going through to Albuquerque. So one of the things we might look at in the future is whether or not any of the people in Santa Fe County from Stanley and from Edgewood might need to connect going down. So instead of coming up we might look at a transportation route south, because that would be far cheaper. So we are looking at other options for that area.

COMMISSIONER ANAYA: So when does that bus stop running?

COMMISSIONER STEFANICS: Penny? I'm assuming one thing, but let's clarify. I'm assuming the end of June.

PENNY ELLIS-GREEN (Deputy County Manager): Mr. Chair, Commissioners, they will stop running on June 30<sup>th</sup>.

COMMISSIONER ANAYA: June 30<sup>th</sup>?

MS. ELLIS-GREEN: That's correct.

COMMISSIONER STEFANICS: Now, Mr. Chair and Commissioner Anaya, there is a van-pool that we are trying to put those few individuals in touch with that would incur some private costs to then hook up to the free bus. So we are trying to assist them with some other transportation.

COMMISSIONER ANAYA: So the bus from Eldorado to Santa Fe is going to continue?

COMMISSIONER STEFANICS: The bus from Eldorado into Santa Fe is going to continue. So individuals have an opportunity to either drive to Eldorado, leave their cars there for the day, and then use the bus back and forth, or as I mentioned, we're trying to find out information about this state van-pool that could come up the back way.

COMMISSIONER ANAYA: And there's no way to get a blue bus to go from Moriarty to Eldorado?

MS. ELLIS-GREEN: Mr. Chair, Commissioner Anaya, that was put forward as a proposal. It was not put forward by the RPA. So there is an option of asking the NCRTD if they can run a route, but when we looked at the finances that was not one that was a route that was chosen by the RPA.

COMMISSIONER ANAYA: I had a conversation with Representative King who was very upset, and I don't know if you all have heard from her, but she's

going to come one of the meetings and present her frustration to what has just happen. Because she wrote a letter in support of a tax that we imposed on regional transit, knowing that we had service down to the southern part of Santa Fe County. And being that it's being taken away she's very upset along with Commissioners from Torrance County. So I would like to see how – if we could get the RPA back to thinking and talking about how we could possibly get a blue bus down there, some kind of transportation. I don't think it's fair that we have free bus service over here but not over there. So just a heads-up and Representative King will be coming before the RPA to talk more about it. Thank you.

**XI. F. Preserve San Miguel Chapel Project Presentation (Commissioner Holian)**

COMMISSIONER HOLIAN: Thank you, Mr. Chair. David Blackman of St. Michael's High School and Jake Bell, who is from Cornerstones Community partnership were going to be present today to describe the preservation effort for the San Miguel Chapel. And I see that they don't appear to be here. So I would like to move to table this item to the next meeting.

COMMISSIONER ANAYA: Second.

CHAIRMAN MONTOYA: Motion to table by Commissioner Holian, second by Commissioner Anaya.

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

**XI. G. Resolution No. 2010-88. A Resolution Supporting the Efforts of Santa Fe Community College in Seeking Authority to Issue General Obligation Bonds for the Purpose of Making Real Property Improvements or Purchases (Commissioner Holian)**

COMMISSIONER HOLIAN: Thank you, Mr. Chair. The Santa Fe Community College is sponsoring a bond issue election on August 3, 2010 asking the voters for the authority to issue up to \$35 million in GO bonds. Tina Ludusky-Taylor, who is the special assistant to the President of Santa Fe Community College is here and she would like to say a few words about the bond.

TINA LUDUSKY-TAYLOR: Chair Montoya, members of the Commission, thank you so much for this opportunity to speak with you about the resolution and the August 3<sup>rd</sup> bond election. I'm going to keep it as short as possible and what you need to know most importantly is this bond measure will not increase taxes for property owners in the Santa Fe Community College District, in fact it won't even continue the current taxing rate or the property tax rate that supports SFCC's debt service. We've been working with bond counsel to reduce that property tax rate that supports the debt service. It will not result in a huge decrease but it will go from about 1.046 mils to approximately 1.02 mils. So somebody who owns a home that is valued at

around \$300,000 would see a decrease in their property tax rate, again, specifically to support SFCC's debt service, of about \$100 a year. In this current economy that's no small suit.

The other two important things that the Commission needs to know is this is a very important initiative for Santa Fe County. Not only will we be creating jobs through the capital projects that will be funded through the bond, but the bond will also pay for the construction of a facility for the Santa Fe Higher Education Center, which would provide, finally, access to the residents of Santa Fe County and surrounding communities access to affordable bachelors completion and masters program right here in the community. And we are very interested in working with Santa Fe County to alleviate some of the traffic congestion we have on Richards Avenue because of our exploding enrolment and we've been meeting in – Commissioner Stefanics's and Santa Fe Community College representatives have been meeting with neighborhood association reps, and some of the bond proceeds would go toward alleviating some of the traffic that is associated with SFCC parking and entries and that sort of thing.

So those are key reasons why we need the community's support, but most importantly by supporting this bond measure you are voting to support the long-term economic well being and the opportunity for four-year educational programs right here in Santa Fe County. Thank you very much.

CHAIRMAN MONTROYA: Thank you. Any questions or comments?  
Commissioner Holian.

COMMISSIONER HOLIAN: Mr. Chair, I would just like to say that this is a resolution supporting the efforts of Santa Fe Community College in seeking authority to issue general obligation bonds for the purpose of making real property improvements or purchases. I would like to move for approval.

CHAIRMAN MONTROYA: Okay, we have a motion by Commissioner Holian. I'll second. Any other discussion?

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

**XI. I. Consideration of Authorization to Publish Title and General Summary of an Ordinance Repealing Certain Sections of the Santa Fe County Land Development Code That Permits Density Reductions From Base Zoning by Reason of Hydrologic Findings and Calculations Until Adoption of the Sustainable Land Development Code, As an Alternative to Enactment of an Interim Development Ordinance (Commissioner Holian)**

COMMISSIONER HOLIAN: Thank you, Mr. Chair. First I would like to ask our County Attorney to explain the ordinance, since he probably can do it much better than I can.

MR. ROSS: Mr. Chair, members of the Commission, as you may be aware the Land Development Code establishes lot size requirements that are actually recited on page 3 of the proposed ordinance in Section 2 there. The Land Development Code

currently establishes a base lot size for the Basin Hydrologic Zone of ten acres, for the Basin Fringe Hydrologic Zone of 50 acres, for the Mountain Hydrologic Zone, 80 acres, and for the Homestead Hydrologic Zone 160 acres. These are the presumptive lot sizes in those various areas of the county.

The Code, however, also permits reduction in these lot sizes down to 2.5 acres with a finding of adequate water to serve the proposed development and that finding is based on hydrologic investigation of the particular property. What we've found over the years, this so-called hydrologic zoning has essentially permitted reductions in the base lot sizes everywhere in the county where an application has been made. This particular provision has supported the sprawl pattern of development that we're seeing today in the county and it's something that the Sustainable Land Development Code is going to attack rather directly.

But in the interim, between the time this proposed ordinance were enacted and the time the Sustainable Land Development Code imposes a more rigorous regime this ordinance would prevent reduction of lot sizes based on hydrologic findings for new developments only from the date that an ordinance like this became effective. Unaffected by the ordinance are any family transfers or lot divisions, land divisions that qualify as exempt subdivisions so long as a variance is not required from some other provision of the Code. So it doesn't affect at all existing lots – there's some 6,000 of those in the county. It doesn't affect family transfers. It doesn't affect at all areas that are governed by community ordinance; we have 11 or 12 of those. It just affects areas out in the county that would rely on lot size reductions under these sections of the Code that are listed in Section 1 of the ordinance.

COMMISSIONER HOLIAN: Thank you, Steve. I would like to make a few comments before we go on. First of all, the reason that I withdrew the emergency interim development ordinance today, which is otherwise known as the moratorium is that it affected too many things that we really don't want to affect right now with our slowdown. For example, it would affect master plans for commercial development which would create jobs. We don't want to affect that for sure. My concern all along really was the issue of lot splits. Already we have thousands of lots that have been created in the county. In fact I just got some data from our Land Use Department that we have over 10,000 lots that are 40 acres or less that exist in the county that have not been built on at this point in time.

Another concern of mine is that we are now writing a new Sustainable Land Development Plan which will ultimately lead to a new SLDC, whose purpose is to put in place the rules and regs in order to implement the vision in the plan. Now, the new plan has not been adopted yet but I believe that it will be coming in front of the BCC in a fairly short period of time. And I do know that there are some themes in the new plan that I just wanted to point out and talk about a little bit because I think it's relevant to why I brought this zoning ordinance forward.

One fundamental goal of the new plan, I believe, is to protect the quality of life in Santa Fe County. Now, I think that we all know that we live in a really special place. Santa Fe County is beautiful. It is culturally diverse, it's an interesting place to live, but there's another aspect to the quality of life that not everybody thinks about, and this was brought to my attention the other day and I thought, yes, this is really right, and I wanted



to share it with you. And that is that quality of life, especially in this county is our best economic development asset. This is a really important point. Of course we all know that our tourism industry depends on our quality of life here. We know that our art community is related, is tied into our quality of life and so on, but there's another aspect to it and that is that a lot of people live here because they want to live here. And a lot of those people create businesses here. They're small business, large businesses, and I would estimate that probably thousands of people are employed in this community by businesses that have been founded by people who are here because they want to live here.

So if we mess up our quality of life in our community, that is going to have obvious impacts on our own lives, but it will have actually economic consequences and I think that's a very important point to keep in mind.

Secondly, I think another fundamental theme of our plan will be protecting our resources, and there I think we're really talking about water above all else. We all know, I don't think anybody in Santa Fe County has to be told that water is scarce here. It's precious here, and it's really important for us to be careful in how we use water here. Now, this is very relevant to development. There are parts of the county where, when development occurs, they can tap into the County water supply, but there are a lot of areas, especially the rural areas in our county where there is no chance of having the County water supply in the near future and people, if they want water in their tap in their home they have to drill a well. And if we are not careful how we develop in those areas we are going to impact people who live in those areas. And what happens if the wells start going dry or if there's less water? Are we going to be asking people out in these rural areas who've had wells for generations in their family and tell them that they have to spend \$10,000 or \$20,000 to drill a new well just because we have too much development in that area? I don't think any of us wants that. I think we all realize that we have to be extremely careful how we develop in those rural areas where people are totally dependent on their wells.

So I think that we are at a turning point right now, and I think we realize it. I think that's why we're writing this new plan and code. We know that the way that we develop in this county is going to have to change and that new way of development is, as I mentioned, it's so that we protect our quality of life, so that we protect our resources, especially our water resources, and ultimately, what it all comes down to is protecting our communities, protecting the people in our communities. That is our responsibility as County Commissioners.

So this is the reason that I brought this ordinance forward. I think that it is appropriate that right now we have a pause in the lot splits that are occurring in our county until our new code is in place. Now, I want to emphasize a couple of points. Our County Attorney brought these up but I just wanted to repeat these things just for the purposes of emphasis. One, this ordinance only deals with lot splits. It does not stop construction on existing lots. If somebody wants to build a house they will not be stopped and believe me, there are plenty of lots to choose from if they do want to build a house. Family lot splits can still go forward; they are exempted from this ordinance, and in fact other lot splits can occur as long as the minimum lot size of those lot splits is determined by which zone the lot split occurs in. So in the Basin Zone the minimum lot size would



be ten acres and Basin Fringe, 20 acres and so on. And finally, this ordinance would only be in place until the new code is adopted.

One final point is that if we vote to publish title and general summary then this ordinance would then go to the CDRC where I recommend that we have a couple of public meetings for people to be able to comment and to learn about the ordinance, and then and only then would the CDRC make a recommendation and it would come back to the BCC for a vote. So with that I guess if other people have questions –

COMMISSIONER VIGIL: Okay. Are there other questions?

COMMISSIONER STEFANICS: Yes.

COMMISSIONER VIGIL: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you. Roman and Steve, Steve, hypothetically, what types of requests would this affect? And Roman, my question to you is going to be what do we have outstanding that might be affected. So, Steve?

MR. ROSS: Mr. Chair, Commissioner Stefanics, it would affect only lot splits that are not on some public water system that are proposed for wells out in the county some place.

COMMISSIONER STEFANICS: So it would not be for individual homes; it would be for developments.

MR. ROSS: It would be for developments. Individual lots that have already been created are unaffected by this.

COMMISSIONER STEFANICS: Okay. Thank you. And Roman, do you have any concept of what we have coming before us in relation to developments that would be affected by this?

MR. ABEYTA: Mr. Chair, Commissioner Stefanics, no. But a question that would come up would be what happens to those subdivisions that have received master plan approval but don't have development plan approval yet? That would be the question that would come to mind. It looks like at first read is it would affect lot splits, so we don't know – we could give you an average of how many come in a year and what the trend has been with people coming in to divide property. So we can do that. But again, I think the question that's going to come up is going to be what about these developments that have master plan and are going to come in with their development plan for subdivisions. So we can do that research and bring those numbers back.

COMMISSIONER STEFANICS: Would, Mr. Chair and Roman, Steve, this affect any developments that the County would choose to do in affordable housing?

MR. ABEYTA: Mr. Chair, Commissioner Stefanics, I would say probably not because any development that we would do with affordable housing would be on County water and sewer or on City water and sewer. I don't foresee us doing a County development on wells and septic tanks for affordable housing.

COMMISSIONER STEFANICS: So Mr. Chair, Roman, you don't think even think it might affect a piece of property like Canyon Ranch?

MR. ABEYTA: Mr. Chair, Commissioner Stefanics, it would if we decided not to provide water to the development on Canyon Ranch. We have a water line there at the property border and it's within our water service area or a portion of the property is. So it may or may not. Just depends on whether or not the Commission wanted to extend water to that property.

COMMISSIONER STEFANICS: Thank you, Mr. Chair.

CHAIRMAN MONTOYA: Okay. Other discussion?

COMMISSIONER STEFANICS: Oh, I do have one other question. Sorry.

CHAIRMAN MONTOYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: So let's talk about the timing. If this ended up going to CDRC and they had a couple of public hearings and then it came to us, are we talking about three months?

MR. ABEYTA: Mr. Chair, Commissioner Stefanics, yes, probably three months. Or longer should the CDRC need more hearings and decide to have more hearings before they're comfortable making a recommendation. But at a minimum I would say three months.

COMMISSIONER STEFANICS: So, Mr. Chair, Roman, if there really was any development that was immediately ready in planning they could in fact move ahead before this is put into place.

MR. ABEYTA: Mr. Chair, Commissioner Stefanics, possibly. I think what we may experience is lot splits coming in between now and the three months. If people haven't divided their property they're going to bring in their surveys and get their land divided before this ordinance goes into effect.

COMMISSIONER STEFANICS: And Mr. Chair, Roman, would you clarify for me right now, or refresh my memory about what size lots can be split if they're not family transfers?

MR. ABEYTA: If they're not, if you're in the basin you can create 2.50-acre sized lots. If the ordinance gets passed then you'll be restricted to 10-acre lots. If you're in the basin fringe you can create 12.5-acre lots; you'd be restricted to 50-acre lots. If you're in the mountain it would be 20 acres; you'd be restricted to 80. And in the homestead you'd go from 40 acres to 160. But it would also – anywhere whether you're in the basin, basin fringe, mountain or homestead, you could prove water availability and create a lot size up to 2.5 acres depending on how much water you prove. This would put a stop to that also. So if we saw lot splits or subdivisions after this ordinance is enacted you'll see 10-acre lot subdivisions, 50-acre lot subdivisions, 80 or 160-acre lot subdivisions.

COMMISSIONER STEFANICS: So Mr. Chair, Roman, you're indicating that you think, even if we were estimating another three months, maybe longer for this, you're estimating we will receive a rush of lot splits.

MR. ABEYTA: Well, that's a possibility.

COMMISSIONER STEFANICS: I'm thinking of all my neighbors who have been talking about this.

MR. ABEYTA: That's a possibility. They'd say we're going to be restricted now to ten acres, or 50 in your area, so let's do our hydro and try to get our lot split before this ordinance goes into effect. That's a possibility.

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

CHAIRMAN MONTOYA: Okay. Other discussion? In terms of again the timing, how far are we off now on the land use development plan? Is it going to be like within the next three to four months?

MR. ABEYTA: Mr. Chair, we're already at the final stages with the CDRC, so we're planning on bringing the plan to the Commission within the next month, two at the latest. So I'd say we're two months out. And we want to have one, maybe two meetings with the Commission before we adopt it, but we're getting pretty close with the plan. What's going to be further out is the Land Development Code. That's going to take a lot longer.

CHAIRMAN MONTOYA: Okay. So how will this parallel with that if we move forward with this.

MR. ABEYTA: Well, what this will do is, as Commissioner Holian said, it will allow us for future development to come into compliance with what we're proposing with the new code and the plan. Because the code and the plan are going to recommend changes to the hydrologic zoning map and how we – we aren't just going to consider water availability when determining what people's lot sizes should be. Right now that's pretty much the major factor is water availability and so this certainly does not conflict with it.

CHAIRMAN MONTOYA: Okay. Commissioner Vigil.

COMMISSIONER VIGIL: I think that sort of answers my question, Roman. So in effect what we're doing here is what will be implemented in the new development code.

MR. ABEYTA: Potentially, yes. It's going to be similar. Water isn't going to be the only factor any more when we adopt a new plan.

COMMISSIONER VIGIL: Okay. One of the benefits I see to considering this is the fact that it really provides the opportunity for the community to give us some input on this. I know when we proposed a moratorium and looked at the potential for title and general summary we heard a lot from one side. Well, in between that time and now I've heard a lot from a broader spectrum of community members. I see that this is really a low-risk way to move forward, because in fact all we're doing is doing the title and general summary. And in a way I guess what we're doing is saying community out there, come and talk to us. We want to do some things that affect the future of our county and we're trying to do this in a long-term, comprehensive planning process. But there are some outstanding issues that need to be settled. I think Commissioner Holian provided an impetus for community members to speak, at least to me. I heard from, as I said, a vast array of community members when it came to the moratorium, and that is beneficial to me, because I act in a representative capacity and I actually think that moving forward for title and general summary for this will also be an impetus for community members to contact their representatives and their Commissioners and say, this is where I see a problem with it. Or this is where I see the benefit, and that gives me more instrumentality to make a better choice. So I see no problem at least in validating a motion and with that I'll move that we move forward on consideration of title and general summary of an ordinance repealing certain sections of the Land Use Code permitting density reductions from base zoning by reason of hydrological findings and calculations until adoption of the Land Development Code. And this is again, I say strictly for title and general summary and hopefully by the time we do consider it, or CDRC does, we'll have a lot more input on this. Mr. Chair, with that I'd like to make that motion.

COMMISSIONER HOLIAN: Second.

CHAIRMAN MONTROYA: Okay. We have a motion by Commissioner Vigil, second by Commissioner Holian. Any further discussion? Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. I would like to make just a general comment. I've been having some townhall meetings this spring and it's come to my attention that a lot of people in the public are not paying any attention to the development of the new plan. And for those individuals in the rural areas I think this is extremely important for individuals to at least review or to attend some of the public meetings where there's dialogue. I know that there's a very active group who comes to a lot of different meetings, but Roman, perhaps you could have staff once again do a really short summary that we could then either put on our website or we could utilize in sending out to our email list. I just am concerned that we're going to have a lot of people saying, wait a minute. I didn't know anything about this. And people have – the public has been invited to many, many meetings. But I'd like to continue to put out some public information. Thank you.

CHAIRMAN MONTROYA: Okay. Commissioner Anaya.

COMMISSIONER ANAYA: Thank you, Mr. Chair. Would this really protect our resources and our quality of life? Would this ordinance? I guess what I'm saying is – you don't have to answer that. When we talk about quality of life, I know that this Commission and Commissions prior did not want to ruin anybody's quality of life. I think what we were trying to do was follow code and I see where you're getting at is trying to hold back until the new code gets in place. But I just wanted to make a comment on the quality of life. There's nobody – we don't like to see development. We like to see good development. But there's no way that I'm up here saying, okay, how can I ruin that community over there? I don't think that's what we're trying to do. And I know you didn't mean it that way, Commissioner. You're trying to continue to protect. But what I'm saying is all the Commissions before and all the land divisions and all the lot splits that have been in the past, it wasn't because we were up here trying to ruin your quality of life.

And I don't know if you all are following what I'm trying to say, but there's going to continue to be lot splits. There's going to continue to be development and I guess we want to try to make it the best that it can be for that area. Is that what you're trying to move forward with?

COMMISSIONER HOLIAN: Yes, Mr. Chair and Commissioner Anaya. I don't mean to imply that we were somehow trying to ruin people's quality of life before but I feel that the County is now – we're at a point in our development that we're going to have to do development in a different way. We're going to have to think carefully about how we do it. In the past it was fairly easily, like out in the Galisteo Basin, there weren't that many people out there so drilling another well was not a big issue. But now there are sufficient number of people out there that we just have to be careful. We just have to be a lot more careful how we do it. And that's what we're trying to do with the new plan and code in my opinion.

COMMISSIONER ANAYA: And I agree with you completely, but any decision that we make we affect quality of life. We affect protecting our resources. Every decision that we make. We make a decision that's going to – development, well, there goes our resources and there goes quality of life. So there goes quality of life for the

person that is out there, but it might be a better quality of life for the person that's going to move out there. It depends on how you look at it. But anyway, thank you.

CHAIRMAN MONTOYA: Okay. Any other discussion? Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. Has this potential amendment – I know that we're just doing title and general summary, but has this been made available to the public yet online? Because we had several emails regarding the moratorium, and so people probably know through the rumor mill that we're looking at something else. So I was just wondering when that potential amendment might go on line.

MR. ROSS: Mr. Chair, Commissioner Stefanics, we'll put it online probably tomorrow.

COMMISSIONER STEFANICS: Thank you very much.

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

**XI. J. Resolution No. 2010-89. A Resolution Regarding Comprehensive Immigration Reform (Commissioner Montoya) [Exhibit 1]**

CHAIRMAN MONTOYA: This is a resolution that I had regarding comprehensive immigration reform. This was in light of the fact of what Arizona recently did in terms of what I feel is racial profiling and it's certainly going to impact the lives of a lot of people that go to that state. I know that there's been a real movement nationally where people are now boycotting Arizona and certainly a lot of the business that they had expected and anticipated in terms of tourism and conferences is going to be dwindling because of that.

But this resolution is certainly encouraging comprehensive immigration reform where it talks about – I'll just read it.

Our nation was founded by immigrants who came to the New World and our nation's immigrants have made invaluable contributions to the progress of the United States, and immigrants continue to enrich the social, economic, cultural and civic life of our country.

Whereas, our immigration policies must continue to recognize these contributions as well as the important role that immigrant workers and their families in the future growth of our nation; and

Whereas, in order to best ensure our nation's security, our immigration enforcement measures must be effective, fair and humane; and

Whereas, currently there are immigrants who have been here for several years, pay taxes, raise families and contribute to their communities, yet do not have legal immigration status; and

Whereas, this nation's immigration policies should recognize the contributions of newcomers by providing them with an opportunity to obtain legal, permanent residency and US citizenship through an earned legalization program with fair and reasonable requirements; and



Whereas, it is important that our immigration policies recognize the efforts of US citizens that have petitioned for loved ones through legal channels that we institute measures to ensure swift family reunification through a substantive reduction of the family application backlogs; and

Whereas, the State of Arizona recently passed an immigration law, Senate Bill 1070, signed into law by Governor Jan Brewer on April 3, 2010, and thereafter modified and clarified the law by adoption of House Bill 2162, signed into law on April 30, 2010; and

Whereas, Santa Fe County is deeply committed to human rights, human dignity and social justice; and

Whereas, America has always been the land of opportunity for hard-working immigrants supported by the enduring principles of our constitution and Latin American and Mexican immigrants have come in search of better lives for their families and themselves;

Now, therefore be it resolved by the Board of County Commissioners of Santa Fe County that 1) Santa Fe County calls upon our national leaders to agree upon comprehensive reform of immigration legislation which provides for a compassionate path to citizenship; 2) Santa Fe County believes in the dignity of work and advocates for humane treatment of working immigrants and calls upon President Barack Obama and the honorable Congress of our great nation to courageously pursue comprehensive immigration reform and 3) Santa Fe County calls upon its citizens to stand together and find solutions for the greater good of all, including those least able to defend themselves in the spirit of the great Abraham Lincoln, Martin Luther King and Cesar Chavez.

And I move for approval of this resolution.

COMMISSIONER STEFANICS: Second.

CHAIRMAN MONTOYA: We have a motion and a second by Commissioner Stefanics. Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. I just really want to thank you for bringing this forward. This is a very important issue and I'm glad that we on the Commission are recognizing this. So thank you. And also I would like to invite any groups that are thinking of boycotting Arizona to come here to Santa Fe.

CHAIRMAN MONTOYA: Absolutely. Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. One of the reasons that I think this is very important to look at families, is the impact on children, immigrant children. That when their parents are torn apart they are left in limbo and often times the children are US citizens and are left behind. And sometimes they're taken home. And it's a sad state. So I think that we really have a responsibility to continue to urge our federal officials to take care of this business.

CHAIRMAN MONTOYA: Thank you. Any other comments? We have a motion and second.

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

**XI. OTHER MATTERS FROM THE COMMISSION**

CHAIRMAN MONTOYA: Commissioner Anaya.

COMMISSIONER ANAYA: I'll pass.

CHAIRMAN MONTOYA: Commissioner Vigil.

COMMISSIONER VIGIL: Thank you, Mr. Chair. A couple of items. One of them is just informational. The River Blessing, and that's an annual event at the San Isidro River Crossing will actually be May 18<sup>th</sup>, and this is separate from the 175<sup>th</sup> anniversary that I referenced earlier. On May 18<sup>th</sup> at the old church, the original church, there will be a mass at 5:30 and then there's going to be a procession to the river and the River Blessing which is a unique opportunity and does not happen universally, but it's the recognition of this community's commitment to keeping the water flowing in the Santa Fe River and recognizing the importance of that to our community. After the mass and the celebration of the blessing there will be a reception at the Nancy Rodriguez Center approximately at 6:15. Again, Mr. Chair, this is May 18<sup>th</sup>.

I also wanted to bring another issue to the consciousness of the Commissioners and that is an affordable housing issue. I was out of town and unable to attend the study session that we had last week but, Roman, one of the issues that will be coming forward in the near future to us are some of the amendments that need to be added to the affordable housing ordinance. One of the ones that I think we need to discuss at full length and gain some insight and I know we're conducting a study on it is consideration of the 30 percent affordable housing requirement. I think if we're going to be looking at our ordinance and amending some of it for whatever purposes that 30 percent requirement needs to be considered and I actually think that Steve might be able to give us an update on that. So I'm not sure if we've got a future item scheduled for the amendments and if that's in an upcoming administration meeting. And when that does come forth I'd like an update. And perhaps maybe the next meeting. An update on the study that we've been doing with regard to that requirement. If we could conclude that as a next agenda item.

MR. ABEYTA: Mr. Chair, Commissioner Vigil, we will do that and we'll also give you a timeline, a timeframe for the ordinance amendments.

COMMISSIONER VIGIL: Thank you. Thank you, Mr. Chair. That's all.

CHAIRMAN MONTOYA: Thank you, Commissioner Vigil.

Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. I'm here with my Renew Santa Fe update and I'm very pleased to announce at our first BCC meeting in June we will convene as the Board for the Renewable Energy Financing District. And if we approve the launch of the program at that time we will be able to start accepting applications.

CHAIRMAN MONTOYA: Great. Excellent.

COMMISSIONER STEFANICS: On this point.

CHAIRMAN MONTOYA: Commissioner Holian, Mr. Chair, I understand that there's some Renew townhall meetings that are happening and I don't know that we've been notified of when they are and that they're going into our district. So could be please receive notification?

COMMISSIONER HOLIAN: Yes. We will do that. We'll put that on our website and so on. I know that there was going to be one in Eldorado a week from this Wednesday but then we were asked to reschedule it to mid-July because they wanted to really get the word out and publish it in the newsletter and so on.

COMMISSIONER STEFANICS: Well, I think that this is an important enough topic, and I get several emails from people wanting to know how they're going to be able to apply. I just want to make sure that we all have the dates for these meetings so that we can advertise it to our email lists.

COMMISSIONER HOLIAN: Okay. So we'll just email all the Commissioners. Is that good?

COMMISSIONER STEFANICS: Well, I would think that as well as maybe Duncan putting it on the website.

COMMISSIONER HOLIAN: Oh, yes. He definitely will. There's a splash page too. Unfortunately I forgot what the address for that is. But I'll email that out as well and we'll put it on our County website.

My second item here is that I would really like to recognize the hard work of our Finance staff, led by our own Teresa Martinez, who organized the MS walk that we had the week before last. I don't think people realized that it was our County people who organized that walk. And there were people from the Finance staff, the Purchasing staff, Manager's office, Clerk's office, Public Works Department, Sheriff's office, Health Division, IT staff and the Land Use Division who both helped set this up, walked in the MS walk as well as were volunteers, cooked food and things like that, and I am proud to say that the MS walk raised more than \$20,500. Approximately 150 people attended the event and I can attest that Julie Berman and I walked. We didn't walk the whole way but we made a pretty good portion of it I should say.

Also Team Santa Fe County was number two of the top five teams, and they raised \$2,982. So thank you very much for organizing and I think that it's really great that our County does things like this and really steps forward.

CHAIRMAN MONTOYA: Great.

COMMISSIONER HOLIAN: And one final thing. On a sadder note, I would like to recognize the passing of Gail Ryba, who was a real community activist in New Mexico. One of her big interests was bicycling. She was a tremendous advocate for bicycle safety. So founded the Bicycle Coalition in New Mexico. She was also a member of the New Mexico Department of Transportation Bicycle, Pedestrian and Equestrian Committee, and in fact Governor Richardson named March 4, 2010 as Ride Your Bicycle in Honor of Gail Ryba Day. She was also a tremendous advocate for renewable energy in our community. She was the director of the Coalition for Clean, Affordable Energy which is a coalition of conservation groups that promotes the use of renewable energy in New Mexico.

The memorial service will be this coming May 15<sup>th</sup> at 5:00 p.m. at the United Church of Santa Fe. And I just want to say that I'm going to personally miss Gail very much and our community has had a tremendous loss.

CHAIRMAN MONTOYA: Thank you for that recognition, Commissioner. Commissioner Stefanics.



COMMISSIONER STEFANICS: Thank you very much, Mr. Chair. First of all, it is voting season, so maybe our County Clerk could tell us about early voting and voting and absentee and all those things.

VALERIE ESPINOZA (County Clerk): Yes, ma'am. Mr. Chair, thank you too for the opportunity. I just checked before I came into the meeting that it appears that people aren't getting out to vote so I'd like to encourage not only our County employees here but the public to get out and vote. Turnout is extremely low. The first couple of days we had maybe a total of 30 people show up. As of today – we started May 4<sup>th</sup> – and as of today we have maybe a total of 200 people. I was on the radio station this morning with our public relations person trying to encourage people to get out to vote. In Santa Fe County 52 percent of our voters get out and vote early and it's not showing that trend. It's not staying the same.

Our early sites are going to be the usual early sites, and that will occur on May 15<sup>th</sup>. That's Saturday. And those sites are going to be at the Santa Fe County Fairgrounds. That's a pretty popular site, pretty accessible. The Eldorado Senior Center is one of our sites and that's at 14 Avenida Torreon. The Edgewood Fire Station is another early site. The Pojoaque Santa Fe County satellite office, which has moved near the grocery store, that's also a popular site to vote. And then we have the Santa Cruz community center, and that's at 153 Camino de Quintana. That one's also changed.

So early voting will begin at those sites on May 15<sup>th</sup>. All the information with regard to district judges, the candidates, are all on our website. So any other information you may need – the hours are going to be eight hours a day Tuesday through Friday, and that's from noon to 8:00 p.m. which makes it convenient for after people get out of work, and then on Saturdays from 10:00 to 6:00. And we will be closed on Sundays and Mondays, Mondays by statute.

And then again, those sites are in Edgewood, Eldorado, Pojoaque and Santa Cruz. So again, I just want to encourage you to get out and vote and encourage our County employees now that it's located right outside the door. Thank you.

COMMISSIONER STEFANICS: Thank you. The reason I brought that up is that people aren't seeing this as an important election and all elections are very important. I also learned that at the last primary election there were 16,000 absentee ballots that were mailed out the first day and this year there was only 150. That's a drastic drop. And so if people are thinking that voting is not important then we can elect our officials with very few votes. So I would really encourage the public. And thank you, Valerie, very much.

I also just want to reiterate my comment, I am getting emails from people who are really anxious to apply for the solar assessment financing. And so they're rather anxious and that's one of the reason I was asking that we post when these meetings are going to be. Thank you. That's all.

CHAIRMAN MONTROYA: And on that point, the City of Angel Fire is looking for us to pass our ordinance, get it in, so that they can then implement theirs as well. And I know there's other counties that are waiting for us as well. So we're going to be the model in terms of the work that you're doing, Commissioner Holian. So you've certainly done a great job. Commissioner Vigil.

COMMISSIONER VIGIL: Thank you, Mr. Chair. There is one issue and perhaps I can just ask Roman to get someone on our staff, our liaison with the US Census Bureau to give us an update on the Whole County. This Commission created a Whole County Committee of volunteers throughout Santa Fe County and the City of Santa Fe and they've been working very closely with the regional and the state and the federal staff on getting an accurate count. The last I heard, without the door-to-door counting, the response was quite minimal. In 2000, I think the entire state only responded – or maybe this was specifically Santa Fe County, about 64 percent of our population responded.

I know that our federal dollars are directly affected by this. Congressional seats are directly affected. Indeed all our seats, even the redistricting for County Commission, for state legislators, Senators and Representatives, are directly affected by this count, it is such a critical count. I encourage people out there who are listening and who will be receiving door-to-door solicitation on this, that it's a very simple count that is needed. That there are no consequences to participation in this. That the record gets sealed for 90-some years. That the greatest benefit in responding to the US Census is to our community. I think we lose about \$300 per person when we don't get an accurate count, and Santa Fe County has been short-changed in that in the past and I'd like to see that changed. Thank you, Mr. Chair.

CHAIRMAN MONTTOYA: Thank you, Commissioner Vigil. I just have a couple of items. One is that I served on the Northern Area Local Workforce Development Board and have since resigned from that and I have a recommendation. We have never as a Board really acted on this and I have a recommendation from the Workforce Board on an appointment to replace me on that board and am not sure how we should proceed on this. All they're saying is that if we don't object to it by May 15<sup>th</sup> they say that they'll appoint this individual.

COMMISSIONER STEFANICS: So, Mr. Chair, are you saying they would appoint someone who's not from Santa Fe County Commission?

CHAIRMAN MONTTOYA: He's a Santa Fe County resident.

COMMISSIONER VIGIL: Mr. Chair, I would recommend that we bring it up as an agenda item and ask that they delay their recommendation on that. I think we contribute our share to that organization and that who we act on representing us there is quite critical. And we've had a Commissioner on that in the past and I'm not sure that's how this Board would act but I would just recommend that we respond to them asking them to delay their recommendation because we have not had the opportunity to discuss it and that it be placed on as a future agenda item for our next meeting.

COMMISSIONER STEFANICS: Mr. Chair, how often does that board – this is the state board or the northern board?

CHAIRMAN MONTTOYA: It's the regional board for about 13 counties.

COMMISSIONER STEFANICS: How often do they meet?

CHAIRMAN MONTTOYA: Monthly.

COMMISSIONER STEFANICS: Half day? Whole day?

CHAIRMAN MONTTOYA: Usually half day, in the afternoon. Well, actually it's from like 10:00 to 2:00. Usually on a Friday.

COMMISSIONER HOLIAN: Mr. Chair, where do they meet?

CHAIRMAN MONTTOYA: Different locations, actually, throughout the region that's covered. So they'll meet in Santa Fe, Albuquerque, Grants, Taos. Commissioner Vigil.

COMMISSIONER VIGIL: I would ask that in that future agenda item that the CEO or the executive director come forth and give us a sense of direction in terms of where the organization is going to be going and what needs the position would fulfill, and a general overall informational presentation on this. I think it's really critical that when we communicate with them that we let them know our contribution will continue so long as representative capacity is met by approval of this Board.

CHAIRMAN MONTTOYA: Okay. We'll communicate with them then on this. That's why I want to get direction from the Board in terms of how we move forward. Thank you.

And then just an informational piece, DFA awarded Santa Fe County and our DWI program \$1,648,437 and these are combined grants and part of the distribution as well. Other funds awarded were \$31,532 to support drug courts for the First Judicial and Santa Fe Magistrate, and \$37,337 for ignition interlock vendors that are located in Santa Fe County. It sounds like a lot of money but it doesn't go very far when you start doing a lot of programs that we're doing in Santa Fe County. So I just wanted to inform you that we were informed by DFA of that award. I just want to thank Valerie. You do a great job and your staff for the elections and I certainly do hope the numbers pick up. I just wanted to recognize a couple of candidates who are running: Angelica Ruiz who's running for Commissioner and Danny Mayfield who's running for Commissioner. Jon Paul Romero was somewhere; he's running for Commissioner as well, so thank you all for being here to see what's going on and good luck to you.

**XII. D. 4. Memorandum of Understanding Between the City of Santa Fe and Santa Fe County for A Wastewater Collection System Discharging into the City Wastewater System**

COMMISSIONER VIGIL: Thank you, Mr. Chair. Roman, or Steve, whoever can answer this. This item triggered questions for me with where we're at with regard to annexation. It looks like we are entering into agreements based on our annexation agreement and this allows us to enter into an agreement with the City for the wastewater. And where are we with most of those agreements, Steve? Not being a participants in the ELUA – have we had any ELUA meetings? Are we still moving forward? I know that there's some timelines, but maybe it's really a time to just ask can we get an update at a future meeting?

MR. ROSS: Mr. Chair, Commissioner Vigil, we'd be happy to give you a complete update. It doesn't look like there's a lot happening but there is.

COMMISSIONER VIGIL: I know there is because we've been working with the City and I really appreciate the City's cooperation on this. We've been working jointly on this. I know our constituency services have been working very closely with a lot of the issues regarding the Siler Road extension and the transfer of responsibilities there. I really appreciate the cooperation that's been going on but I actually don't know

everything that's going on and it would be good to just an update for all our districts in the areas that have been, will be or are in the presumptive areas for annexation. Thank you.

With that, Mr. Chair, I move we approve this.

COMMISSIONER HOLIAN: Second.

CHAIRMAN MONTTOYA: Okay. Motion by Commissioner Vigil, second by Commissioner Holian. Any other discussion?

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

**XI. D. 5. Consideration and Approval of Proposed Lease and Operating Agreement on the Penitentiary Wastewater Treatment Plant and System with the New Mexico General Services Department, Property Control Division**

COMMISSIONER STEFANICS: Thank you, Mr. Chair. Roman, on this item, I have no problem with approving this item, but I'd like to know what possibilities there are for tying in the wastewater system to the other requesters along Highway 14. The Turquoise Trail Business Park has requested it. The campground has requested it and some other properties. And I thought we were looking at Valle Vista as well. So I'd like to find out how this related to any of our plans.

MR. ABEYTA: Mr. Chair, Commissioner Stefanics, this relates in that we don't want to make a long-term commitment and this is why it's only one year, and the reason why we don't want to get into a long-term commitment with the state is because of our plan for Valle Vista and the Turquoise Trail Business Park and potentially the Rancho Viejo sewer system. So we only felt comfortable going on a year to year agreement with the state penitentiary because we still need that facility for now, but we would envision that as Valle Vista comes on line or as we potentially purchase Rancho Viejo then there would not be a need to have this agreement anymore. So we wanted to make sure that it was just on a year to year basis, and that's what this agreement does.

COMMISSIONER STEFANICS: Okay. Thank you. I would move for approval of this lease.

COMMISSIONER HOLIAN: Second.

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

CHAIRMAN MONTTOYA: Okay. Motion by Commissioner Stefanics, second by Commissioner Holian. Discussion, Commissioner Vigil.

COMMISSIONER VIGIL: Are we still providing this service to the state at no cost?

MR. ABEYTA: Mr. Chair, Commissioner Vigil, yes.

COMMISSIONER VIGIL: And how much does that affect our pocketbook?

MR. ABEYTA: Mr. Chair, Commissioner Vigil, I don't have the numbers right off the bat but we can get an estimate to you.

COMMISSIONER VIGIL: Okay. This has been an ongoing issue and we've tried to work with the state with regard to this. It really is to the state's benefit to have the County maintain and operate that treatment facility, particularly with the General Services Department because they really don't want to get into that kind of business. Can we bill them for this? Is there some way we can offset this? Because we're actually – I'm not sure how large it affects our budget but at a time when we're looking at budget cutbacks we should be looking at ways of recouping revenues, and I certainly think this might be one way to do it. Can we consider doing that?

MR. ABEYTA: Mr. Chair, Commissioner Vigil, yes, we can, be we also benefit in that we have a system that isn't ours that we don't get charged for either. So we'll look at the cost/benefits to both and if there is an opportunity –

COMMISSIONER VIGIL: I actually think we should do that and I recognize that is a mutual benefit, but I don't know those exact figures. So maybe through our budget hearings we can get those because I think that should be a consideration for us.

MR. ABEYTA: We'll do that.

CHAIRMAN MONTOYA: Okay. Any other discussion?

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

### **XIII. STAFF AND ELECTED OFFICIALS' ITEMS**

#### **A. Growth Management**

- 1. Consideration of Authorization of Publication of Title and General Summary of Ordinance No. 2010-\_\_ to Require Permits and Fees for Motion Picture and Television Productions; Repealing Section 9.F of Ordinance No. 1992-3, Business Registration and Licensing Ordinance, Requiring Registration or Licensing for Motion Picture/Television Production/Photography Activities; and Amending Article III, Section 1, Table III. 1.6 of Ordinance No. 2008-12, an Ordinance Establishing Permit and Review Fees for Projects in Santa Fe County, New Mexico, Pertaining to Film Permit Application Fees (Growth Management Department)**

CHAIRMAN MONTOYA: Who's taking this?

JACK KOLKMEYER (Land Use Administrator): Good afternoon, Mr. Chair, members of the Commission. We've been working on this ordinance now for about a year at the insistence of a number of people in the film community throughout our area and the state and also in cooperation with Commissioner Vigil who recommended that we take a look at some of our fees way back and also included in this type of ordinance and I'd like to thank Jose Larrañaga from my staff who's been working on this for that whole period of time and put together the original draft of this ordinance and also Ted Apodaca from our Legal Department who crafted the final version.

We started off looking at about 20 different ordinances from California, film ordinances from Texas, New York, Florida, Louisiana, so we really looked at everything across the country to come to resolution, really, on three important issues that are facing us in terms of film production in the county. One is with the creation of the media district and the potential use of that media district by Santa Fe Studios. We realized that anybody who took on that role to create a large film studio like that in the media district would have to do a film permit for every film that they filmed out there, and so we wanted to exempt them from having to do that because once they became a major film studio they should be able to produce films in that facility.

Secondly, over the years we've had a number of issues regarding the Public Works Department, the Fire Department, the Sheriff Department, about where people can film and what rights they have to be on certain properties and what we need to do to assist them in film productions. So we wanted to really clarify the roles of County government in particularly those areas, Public Works, Fire, Sheriff's Department and a few others as well. But to make it real clear of what is required of film production companies when they come in to our county. And secondly, the fees that we had we realized were a little bit out of date. Some of them were too high, some of them were too low. A number of them really weren't encouraging to the film companies that were coming in and also they were in a separate ordinance and we wanted to take them and put them into a singular ordinance.

So it's really those three things, exempting the media district, clarifying the roles of the County departments and divisions, and including specific fees within an ordinance that we have crafted this ordinance. We think it's a really good one. Maybe one of the best in the country as far as we can tell from having looked at things. So the request today is simply to bring this forward requesting authorization to publish title and general summary. And I'd be happy to answer any questions.

CHAIRMAN MONTROYA: Commissioner Holian, then Commissioner Stefanics.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. Jack, I heard about a situation in our county where there was a film crew and they had these heavy trucks that were going across a dirt road multiple times and it really wrecked the road. In fact it wrecked it so much that the mail delivery trucks couldn't make it in there anymore. So my question is when something like that happens and the road needs to be redone or repaired, who pays for that?

MR. KOLKMEYER: Mr. Chair, Commissioner Holian, it's supposed to be the film company. And in some cases, sometimes filming happens and we don't even know about it and in other cases it might be a private road or a public road but there are provisions in the way that we give film permits right now that they're supposed to be responsible for paying anything that happens to a property. We now have that more clearly articulated in the code under cleanup and consent for filming, dismantlement of temporary properties and structures. In the case of roads, for example, I'm not sure exactly which one you were talking about but there was one case that we did not know that they were filming on a particular road and we had to take care of that particular issue with them.



But now, as part of our film permit process right now but sometimes it's not clear enough whose responsibility is one and again, that's reason number two that I gave is we're clarifying what a film company has to do in those instances, so if they come in and they film on a dirt road and they do some damage to it they have to pay for it.

COMMISSIONER HOLIAN: So I don't actually see that in here. I see the cleanup, but it talks about trash and debris. Do we have some thing that specifically says that they need to pay for road repair?

MR. KOLKMEYER: Ted just pointed out to me it's 6.D on page 6, Performance deposit and surety bond. And in there is says, required for cleanup and restoration for the filming location.

COMMISSIONER HOLIAN: Oh, I see. And then the roads would be –

MR. KOLKMEYER: It would be part of that.

COMMISSIONER HOLIAN: Okay. Thank you, Jack.

MR. KOLKMEYER: You're welcome.

CHAIRMAN MONTROYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you. Following up first on Commissioner Holian's point, this only protects the County's property. It would not protect private homeowner's property.

MR. KOLKMEYER: I'm going to turn that over to Ted, if I may.

TED APODACA (Assistant County Attorney): Mr. Chair, members of the Commission, this ordinance is intended not only to protect County property but also the property of individual persons or other entities. Let me draw your attention to Section 5 on page 3. If any person intending to occupy or use any private property, property owned or controlled by Santa Fe County, or other public property subject to Santa Fe County's jurisdiction shall submit an application. So this is intended to include not only Santa Fe public property or property we control but private property as well.

COMMISSIONER STEFANICS: Okay. Thank you. So, Mr. Chair, Jack, on page 8, looking at the fee table, I actually thought – that page is related to commercial films, correct?

MR. KOLKMEYER: Yes. That's correct, Mr. Chair, Commissioner Stefanics. Yes.

COMMISSIONER STEFANICS: So, Mr. Chair, I actually thought those fees were rather low for a commercial film. If you're talking about box office hits and we're talking \$100 application fee, and we're dropping it from \$500 to \$100?

MR. KOLKMEYER: Mr. Chair, Commissioner Stefanics, the problem was that then you'd have – we have major productions, small scale productions and TV programs. They turn out to be about an average nationwide. Some places are higher, some are lower. And we wanted to kind of fall in the middle with our fees. So they're about average. They seem low, but if they're there for 10, 15, 20, 30 days, the variety of time that people are here that tends to be about the average in the industry.

COMMISSIONER STEFANICS: So, Mr. Chair, I think, Jack, what I'd like to see is a comparison of highly desirable filming sites. Not everybody wants to go to Ohio to film, but there must be – and I'm a native of Ohio, so I'm not disparaging someone else's state, but where I'm going with this is if you look at where most films are going today, I'd like to compare our rates to those areas. Because I would not want to be

so low that we aren't receiving the appropriate amount. And I have no sense. But when I think of something getting \$14 million the first weekend at some box office, I'm going: And we're getting \$100 for the application fee plus a couple hundred more later on? I'm just questioning that.

MR. KOLKMEYER: Mr. Chair, Commissioner Stefanics, don't forget, this is just for location shooting. When you're talking about a \$14 million film, for example, the vast majority of that is done in a studio. So these are just location shots. And again, as I said, we'd be happy to put together a comparison for you, but we're about in the middle of the fees.

COMMISSIONER STEFANICS: Well, Mr. Chair, in my area and in Commissioner Anaya's area we have quite a few pieces of private property that are used for film. And they're used for the entire film. Do they come and get a permit here?

MR. KOLKMEYER: The film company does, yes. For the number of days that they're shooting there.

COMMISSIONER STEFANICS: Well, I would suggest that maybe in the future when we ever have a film studio it might happen in the studio but right now I think a lot of our films are being out and around this area. So I just would like to see a comparison. I'm still thinking it's a little low so maybe you can convince me otherwise if I see a comparison.

MR. KOLKMEYER: Mr. Chair, Commissioner Stefanics, we'd be happy to do that. The other side of that is we don't want to discourage people from coming here either because there are a number of other places they could go and we want to have fees that are encouraging enough that they will film here, because again, then we get the other amenities for filming here – hotels, restaurants, all the other things that come into play. So we'll be happy to provide that for you and we've spent considerable time looking at it ourselves. We'll bring that forward when we come back.

COMMISSIONER STEFANICS: That's what I would like. Thank you, Mr. Chair.

CHAIRMAN MONTOYA: Okay. Commissioner Vigil and then Commissioner Anaya.

COMMISSIONER VIGIL: Thank you. I'd really like to thank Ted, Jose and you Jack, for working on this. It's been a long time coming and it really does streamline issues that we've had to deal with and issues that have happened in both Commissioner Stefanics's and Commissioner Anaya's districts and not so much in ours. We really have had nothing and aside from the permitting that really tells the film industry this is what needs to be done and this is how the Stage Film Office and State Film Commission has been perfectly willing and said on where to go on this ordinance and gave us some information on what other communities are doing, which I really appreciate that.

I'm just recalling one particular incident we had when there was a film being filmed here and we had a problem because we had enacted a no-fire ordinance and they needed a fire to be built for their film. So they had to come to us on an emergency basis for those kinds of things. There are so many issues that we have not been able to address without the enactment of this. The permitting fee, as far as I'm concerned, because it does not involve a film studio and it involved different sites, I think I totally agree that



Commissioner Stefanics should probably gain some more insight to have some comparison, but I know the work and some of the figures that I've done, we were originally very exorbitantly expensive in comparison to other sites in the state too. So I thoroughly endorse us moving forward with this. I think it's long overdue. Currently in Santa Fe there is at least one film that's actually filming as we speak and I think there's another one incoming, and those are in the city. So I'm not even sure what the City is doing with regard to their permitting, but I know that we need to act on this because a lot of the filming that occurs out in the rural areas is what has been giving us difficulty in terms of what to do and how to do it.

So with that, Mr. Chair. I move we approve.

COMMISSIONER STEFANICS: I'll second.

CHAIRMAN MONTROYA: Okay. We have a motion by Commissioner Vigil, second by Commissioner Stefanics. Discussion. Commissioner Anaya.

COMMISSIONER ANAYA: Thank you. I was leaning along the same lines as Commissioner Stefanics in terms of the amount being charged for a permit. I thought it would go up, not down. A couple things. When I was the president of the Community Association in Galisteo, and the movie people came in, I thought it would be a good opportunity to try to collect monies off the movie to help out with the community. Small communities like Madrid, Cerrillos, Galisteo, Stanley, and even in the north, they all – those people are the ones that are affected by the movie industry coming in. It might help them; it might not.

There's a lot of times – I don't know of maybe one or two individuals that might be working at the movie set in Galisteo. That's it. But the amount of traffic that goes through Galisteo is tremendous. I could not believe it. I think there should be some way where those small communities that the film goes in and films in, they should get money. It should go to their community. And maybe it will help – I know it would help if they got money. \$100 for a permit for me doesn't make sense after hearing what Commissioner Stefanics was saying, and they make \$14 million in the first week.

I'd like to see somewhere in there where some money goes to the communities, these small communities. I know they're struggling. They have bake sales and they have raffles and blah blah blah, and if a movie comes in and they have an opportunity to make a couple thousand dollars – great. That helps out. Because they're the ones that are being affected.

Recently, since we've had all these windstorms, all the movie set trash that's in the Tom Ford movie set has been blowing up against the fence on 14, on 41, headed towards Stanley. I mean trash you would not believe. We need to figure out how to enforce that. I had asked the Cerro Pelon to clean it up several times. I believe they've gone out there one or two times or one time, I don't know, but the wind keeps going and the trash keeps blowing. So we need to somehow get a handle on that, and maybe you can make another call, Roman, because it's a mess out there.

But if we could somehow try to get these small communities something out of this, if we could increase it, or maybe it would come to us and we give it to them, that's the way I'd like to see it. Thank you, Mr. Chair.

MR. KOLKMEYER: Mr. Chair, if I may just respond to a couple of things real quickly. Back to Commissioner Vigil's point again. The fees again, we went over

with the film office and IATSE 480, the union. And again, we have to be very careful here that we're not pushing business away by the fees. Those fees, the ones that are in there now were all at this point agreed upon with the film office and the union. It doesn't mean we can't raise them or lower them but those are all fees that were determined in our deliberations with them to be acceptable to the film industry.

The issue with putting something in the ordinance whether we can ask for a film company to provide something to a community, we looked at that and talked about that in our deliberations, and that's not really contained in any ordinance that we've seen before because the problem is, which group do you give it to? Because the film company comes in and they do a private contract with some individual in Madrid and they make a whole bunch of money and then another person makes maybe not as much money, and then the community is asking for something. It becomes a little difficult to determine how we do that. We'll look into it but one suggestion might be when a film company comes in and says they're going to be filming in Cerrillos, you need to meet with that community and figure out some way to perhaps donate something to that community.

But whether we can put that in an ordinance or not – I think we'll have to talk about that and look at that. But we will look into it, Commissioner Anaya. And also, regarding the trash thing at Cerro Pelon, that's really a code enforcement issue and I'll send somebody out there right away and make sure they look into that one. But that's also a good point because that's why we have the cleanup issue, the cleanup and the dismantling of the temporary structures and all that stuff written into the code because somebody needs to do that on a regular basis, Commissioner. But thank you for those points.

CHAIRMAN MONTTOYA: Jack, regarding the fees again, have the higher fees caused us to lose films?

MR. KOLKMEYER: Mr. Chair, yes, in some cases they have. Because again, we're trying to deal with reality here too and not every film makes \$140 million. Some of them lose money. So there's a real variation and that's why we have major films, minor films and then TV shows. Somebody may come in just to do one episode of a TV show. So not all films make a whole lot of money and they all have budgets and they're trying to work within their own budgets as well.

What we've found at this point and as I said before, I'll just reiterate that the fees that we're looking at tend to be right in the middle of the high and the low fees, even for California and Texas and Louisiana, where a lot of film-making is done. They have the unions to contend with and a lot of things, but we'll bring that comparison chart back and you can take a look at it.

CHAIRMAN MONTTOYA: Yes, I'd like to look at it.

MR. KOLKMEYER: Sure. We'll be happy to do that.

CHAIRMAN MONTTOYA: Commissioner Vigil.

COMMISSIONER VIGIL: I just wanted to point out, Mr. Chair, in Section 9 that this does allow for additional fees to be imposed upon the film industry that are included but not limited to law enforcement, traffic control, fire, safety, trash-hauling and even attorneys' fees. So even if they do pay \$100 per permit, that permit is just a usage permit and any other fees that are necessary for the film to be filmed at a

particular site, if it involves any support whatsoever from the County they're required to reimburse the County for those fees.

MR. KOLKMEYER: Mr. Chair, Commissioner Vigil, that's absolutely correct. In other words, if we have to send out five Sheriff's Department personnel, they get paid. So this is just a fee for allowing them to film on a location in the county. And then of course there's all kinds of local people hired, so there's a lot of other income factors here. But that's a good point that Commissioner Vigil brings up that we can charge them for other services that we need to provide.

CHAIRMAN MONTOYA: Okay. So we have a motion and a second. Any other discussion?

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

CHAIRMAN MONTOYA: Thank you, Jack, Jose, Ted. Thank you.

**XIII. B. PUBLIC WORKS**

**1. Consideration of Authorization to Publish Title and General Summary of Solid Waste Ordinance 2010-\_\_\_, an Ordinance to Repeal Ordinances 2005-5 and 2009-13, Increasing Solid Waste Fees and Changing Permits**

OLIVAR BARELA (Solid Waste Director): Mr. Chair, members of the Commission, good afternoon. As you know the Manager has asked us to come forward and bring some proposals and ideas about increasing solid waste fees. At this time we would like to ask permission to publish title and general summary of the Solid Waste Ordinance 2010-\_\_ that would repeal and replace Solid Waste Ordinance 2009-15 and 2005-5 with proposed increase to solid waste fees and a change to the permits available. And if it pleases the Board, Mr. Chair, we have a few slides we'd like to share with you that would give some insight into the financial background.

HELEN PERRAGLIO (Finance Division): Mr. Chair and Commissioners, we'll just go through this briefly. I know we've talked a lot about solid waste in the last year so we're just revisiting the ordinance in response to the budget study session when we were asked to bring forward the ordinance and take a look and see if we could look at some reasonable increase in fees.

So we'll begin with the solid waste forecast for fiscal year 11. If all remains the same we estimate that revenues would be around \$250,000. Our operating budget is \$1.7 million and included in that budget is an increase to tipping fees of \$5 a ton which is proposed to occur July 1. So it's quite a significant increase in tipping fees. So what we have is an operating shortfall of \$1.5 million.

Now, we did talk about earmarking the environmental GRT to help fund solid waste. It could be used for solid waste or water and wastewater, and we estimate that that could come in at about \$780,000, which is a five percent decrease from prior year. Most of our GRTs are estimating as coming in at decrease, five percent.

So that leaves us with a total variance or shortfall of \$749,000. Now, that is supported by the general fund property tax dollars. So that's what covers that shortfall. So just to reiterate, we're looking at a \$.75 million operating variance. Tipping fees are estimated to increase at July 1 and then from there forward, two percent is what I think they're proposing for the next five years. So there will be a steady increase in tipping fees if that's adopted by SWMA. And the general fund will have to increase support to solid waste if water and wastewater needs to tap into the environmental GRT to sustain operations in future years.

Okay, so moving on. This is a look at what's happened during fiscal year 2010. If you look at the first chart on our permit sales, you can see that they've held steady throughout fiscal year 10. We looked at July through April to be comparative for the past three fiscal years, and what you have is the number of permits sold for your 24-punch per year. So the green is fiscal year 10, purple is fiscal year 09, and blue is fiscal year 08. So you can see our 24-punch, we're doing pretty well compared to prior years. Our 10-punch, we're also doing well, 3,220, compared to prior years. Our bag tags have increase a little and our replacement permits have held about steady.

But we did realize that there is a trend, after we did our increase in December, and that trend is that our 24-punch, we had minimal sales of those but we had a large amount of 10-punch sales. And our one-trip, people are getting the hang of it, but we do see sales of the one-trip. That was what was new and brought about at the last change.

So going forward, what we are proposing is a gradual five-year increase with the following options. What we wanted to do was just keep it a steady increase of \$10 per each permit type. Keep it simple without complicated calculations and percentage changes. So we looked at just offering the 24-punch residential and the small commercial, the two options on the small commercial, the one-trip residential, and bag tags. Each of those punch types. Each of those would just increase \$10 each year, and the one-trip and bag tags would remain the same.

Now we bring it up to fiscal year 15 and cap it there at \$105. So our most common permit is our 24-punch. That would be capped at fiscal year 15 at \$105.

We also provided what others charge for solid waste, and what I'd like to do is compare what our users, the users of our transfer stations, what their options would be if they had no other options, would be to go with BuRRT, which is the landfill, or Waste Management. Those are the only two that would accommodate everybody that uses our transfer stations. So BuRRT is about \$120 a year in comparison to what we offer. They're \$5 a trip. So \$5 a trip at 24 trips is \$120 a year. We currently charge \$55. Waste Management would be \$392 a year but they offer curb-side weekly pickup, but they only pick up 96 gallons. So in a month a user could have the same amount of trash accumulated that they would take to a transfer station. So it's comparative in that way.

High Mesa will only service the Southern Capital area. It would not service Pojoaque or Edgewood. So they would be an option for some users but not all of our users.

The City of Santa Fe charges \$153 a year and that is just for comparison to see what the City charges. Taos County is the closest in operations to our County. They operate eight transfer stations. They charge \$100 a year and they have a 24-punch permit as well. And what we're proposing is - it's pretty comparable, \$105 at the end of five

years is where Santa Fe County would be with this proposed change. So I'll stand for any questions.

CHAIRMAN MONTOYA: Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. Thank you, Helen. That really sums it up. If we went to \$105 at the end of five years would we be breaking even at that point?

MS. PERRAGLIO: I haven't calculated that yet because at the end of five years we'll have to also factor in what our operating costs will be. But I can definitely provide that for you at the next hearing as well.

COMMISSIONER HOLIAN: Okay. That would be interesting.

MS. PERRAGLIO: It will be closer. It may not be right at the breakeven point.

MR. BARELA: Commissioner, that would be a hard question to answer because we do not know how many participants we would have at any rate because we sell them and we put it out there and we don't know if we're going to break even or not.

COMMISSIONER HOLIAN: Yes, that's true. I understand that, Olivar. But if we could just sort of at least do a back of the envelope calculation and if the same number of people signed up for permits, how close will be get to break even. We don't even know what the dumping fees for sure are going to be at Caja del Rio yet either. So I understand that.

My other question is, on page 30 of the ordinance there is a provision here that the Board of County Commissioners may authorize a low-income and/or senior citizen credit for residential solid waste permits. So my question is how would we actually do that if we wanted to. Maybe that's a question to staff. Would we then pass a resolution or an amendment to the ordinance, and how would we decide who was low income or – well, I know how we'd decide seniors.

MR. ABEYTA: Mr. Chair, Commissioner Holian, we'd probably have to do an ordinance amendment, but that would be kind of what we'd have to determine is what would be the criteria for qualifying low income or seniors.

COMMISSIONER HOLIAN: And I guess my question is to anybody who can answer it which is do they do this in other counties?

MR. ABEYTA: Mr. Chair, Commissioner Holian, I'm not sure.

MS. PERRAGLIO: I'm not sure.

MR. BARELA: Apparently they do do it in Rio Arriba County. I do know what you're referring to and I don't know if we've ever exercised that or if anybody's come forward and wanted to exercise that.

COMMISSIONER HOLIAN: I'd be just sort of interested at the next presentation if you gave us some information on how they do it and what sort of requirements they have and how they did put that into place.

MR. BARELA: The mechanics.

COMMISSIONER HOLIAN: Yes, the mechanics of it. And I'll just make the comment that this seems reasonable to me so I guess I move for approval.

MR. BARELA: Mr. Chair, if I could, I just want to make it perfectly clear if you understood our presentation we are eliminating one of the permits, the 10-punch.

COMMISSIONER HOLIAN: And that seems reasonable to me as well.

CHAIRMAN MONTOYA: Motion by Commissioner Holian.

COMMISSIONER STEFANICS: I'll second.

CHAIRMAN MONTOYA: Second by Commissioner Stefanics.

Discussion? Commissioner Vigil.

COMMISSIONER VIGIL: Thank you very much for bringing this issue forth. It's always a difficult thing, particularly because we have so many rural residents we need to be concerned about with regard to transportation and costs. My concern and my question to you is how well do we know that the SWMA permitting fees will not increase to the extent that we're adversely impacted by the prediction of this increase. My concern is, because we do serve on SWMA is SWMA has increased the fees and there's been problems with moving forward with SWMA. It is a joint authority and part of the problem that I see with it is that this Caja del Rio was intended to be a regional landfill and it does not remain regional. It remains exposed to just city and county residents. If in fact we opened it up to be more of a regional landfill I think it would be a positive impact on our residents in terms of costs.

So how well have we linked what may or may not happen with that issue? Olivar, it sounds like you were ready to address it. Unless you are, Helen.

MR. BARELA: Well, I do know one thing for sure is the tipping fees is a major part of my budget besides the personnel wages and stuff. It's \$450,000. You saw the number there. So it's a big part of the fees. However, I did talk to Randall about the tipping fees at Caja in light of the fact that they're going to be taking action on it this week. He was hoping that it wouldn't be increased but if we do take additional waste, as you know, they're not going to scale down their tipping fees, of course, however their increases would be coming at a slower pace than if they didn't get waste from outside the county. I don't know if that answers your question but maybe Helen has some additional information.

MS. PERRAGLIO: One more thing to add, Mr. Chair and Commissioner Vigil, on that issue. That was the main thing that was addressed in our task force when we were charged with having the task force is what is the root of the issue and it seemed to be the tipping fees. And just to remind you, the increase that we just asked for you guys to approve and everybody approved, it just barely covered the increase in tipping fees. We still ended up with the same type of operational variance. It only just addressed the increase in tipping fees. So the big issue that was brought forth in our task force was how do we get those tipping fees down? How do we stop them from being raised and I think one of the issues that SWMA had was opening up the landfill to other users. I think it was Taos County or Rio Arriba County, Los Alamos County, and looking at that. So that was something that the task force did recommend, that you bring it forth in SWMA, to see if we could address letting more users in and thus not charging more fees. Having more revenues and charging less fees.

COMMISSIONER VIGIL: And in addition, that would be my concern. I'm willing to take action on this because this really does move us forward towards some predictability, particularly for our users. In addition to the task force that we created, Solid Waste Management Authority has an advisory board right now that has been meeting to address some of these issues that will come before SWMA and hopefully these issues will be addressed because I think the tipping fee issue is equally as important

to the City as it is to the County. We probably need to be more concerned about it because we don't have the private haulers or the actual industry like the City does. So I'm looking forward to see what recommendations come forth and I'm glad that the task force that we had here made that recommendation. Again, I'm happy to advocate for a regional landfill and will continue to. Thank you, Mr. Chair.

CHAIRMAN MONTOYA: Commissioner Stefanics. Commissioner Anaya.

COMMISSIONER ANAYA: Yes. What is the reason for us having to take our trash to the regional – to the Caja del Rio? Is there a certain reason why? There's other places we could take it. I know that there's a reason.

MR. BARELA: Well, the reason is we have an agreement to do that with the SWMA, to support them. Otherwise, they're not going to be financially able to support themselves and we'll have a worse problem.

COMMISSIONER ANAYA: So I guess what I'm getting at is it makes more sense to take the trash from Stanley to Tarrant County; it's closer. But we continue to take our trash further to the regional. And I know that there's a contract but can we break that contract? Can we move our stuff and it will cost us less money?

MR. BARELA: I don't think that there is a legal contract that says that we are required to take it there. I think it just presumed that that's what we should do. I haven't seen anything in writing that says we're supposed to take it there.

COMMISSIONER ANAYA: Okay. Can you look into that?

MR. BARELA: Clarify it. Definitely.

COMMISSIONER ANAYA: That way, if we can take the trash that we have to a closer landfill maybe it's better off. That's all I have. Thank you.

CHAIRMAN MONTOYA: Okay. This is always a tough one because I have residents that live on fixed incomes in my district and every time we have an increase in fees, it's a tough one on my constituents. And whatever we could do, I don't know if there's other things that we could look at, other than increasing fees, but certainly this has been a dilemma since day-one that I've been on the Commission in terms of how do we offset what is supposed to essentially be an enterprise fund, to actually have it self-efficient, and it's never happened. And the only way it's ever going to happen is if we charge what we see up there in terms of High Mesa or Waste Management rates. That's the only way it's going to break even. I don't think it will even come close to breaking even at \$105 when we get there in 2015. But certainly we've got to try and do what we've got to do and if there's other ways to offset some of the costs I'd sure like to see what could be done.

MR. BARELA: Mr. Chair, under the scenario you see we probably have like 7,000 or 8,000 participants with solid waste permits out of all the county. It's like 67,000 households, 47,000 are in the city and 20,000-some are out in the county, and 8,000 are participating in the program. They're basically the ones that are contributing to the whole program. So if we were to do something it would have to be divided amongst everyone. The scenario up in Taos County is they go out and they bill everybody in the county \$100 and if you have services from a private enterprise then your bill is only \$25. With that they're able to sustain their \$1.3 million enterprise fund. That's one scenario they have.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN MONTOYA: Commissioner Anaya.

COMMISSIONER ANAYA: I kind of feel along the same lines as you.

Every time we talk about trash and increasing permits, man, I just do not like it, because I know a lot of people out there that are on a fixed income and \$35 – I think it's \$35 now, right? It was \$25?

MR. BARELA: It's actually \$55 now.

COMMISSIONER ANAYA: \$55 now? I'm still back in the old days. I just don't like it. And I like the fact what you just said now is you charge everybody in the county \$15, maybe, for solid waste. So maybe it will add up to what we need. That's another scenario. I like that.

MS. PERRAGLIO: If I may, Mr. Chair. One thing I would just like to point out is – I know this is a hard ordinance and we did feel that feedback last night. That is part of the reason why we did a comparison as to what those users, our 8,000 users in the county, what are their options? We offer them the transfer stations at a highly discounted rate, \$55. If they had to, they could take their trash to the dump. They'd pay \$5 a trip. It would be about \$120 a year. Waste Management would be about \$400 a year. So we're still offering them a good deal in our opinion. We did look at billing everybody in the county and it was very unfavorable because what Taos County also does though is they may bill everybody in the county but they allow for private haulers, people that use private haulers, to get an exemption from the bill. So they can bill 20,000 people but out of those 20,000, only 10,000 really will utilize that function. Everybody else will provide an exemption because they use a private hauler.

So you're still going to get back to there's 8,000 users. It's also been argued that it's unfair to charge everybody for only those 8,000 users. So it's something that we've gone back and forth with when we looked at all of our options as a task force. So I just wanted to make that clarification to assist your decision.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN MONTOYA: Commissioner Anaya.

COMMISSIONER ANAYA: Another thing I'd like to know is breakdown of districts on how many people in each district use the transfer stations? Can we do that?

MS. PERRAGLIO: I'm not sure if we can. Can you provide that provide that? We'll give it our best try.

COMMISSIONER ANAYA: I know that would be difficult. You'd have to call everybody, right?

CHAIRMAN MONTOYA: Maybe by zip code. Okay, any other discussion? We have a motion and a second.

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

**XIII. C. Matters from the County Manager**

**1. Update on the New Judicial Complex**

MR. ABEYTA: Thank you, Mr. Chair. I have an update on the new judicial complex for the Commission. The New Mexico Environment Department has



completed the installation of a barrier along our property boundary that is supposed to protect our site and so we can resume construction activity on the project and in fact we have started with that. The initial phase of activity is focusing on remediation of our site to prepare for the construction of the building. For example, we're going to begin with excavation of the contaminated soil, that's what we're doing right now. Then the next step would be installing a dewatering system. Then we'll install additional shorting and then backfill the site with clean fill material.

Once that's been done then we can begin construction of the garage structure and the building. We would expect that their remediation activities that we're undertaking now would continue through August and then hopefully by September we can start with construction of the structure. And again, this is provided that the barrier wall that the Environment Department has installed will actually work. And so we will know that shortly and I'll keep the Board informed on a regular basis during our BCC meetings.

CHAIRMAN MONTOYA: Any questions? Commissioner Stefanics.

COMMISSIONER STEFANICS: So Mr. Chair and Roman, are you saying we don't need to move the courthouse yet?

MR. ABEYTA: Mr. Chair, Commissioner Stefanics, not yet.

COMMISSIONER STEFANICS: But Mr. Chair and Roman, when will we know about the columns that are there?

MR. ABEYTA: We have different options that we would like to discuss with the Commission. We're doing research on that now and we would probably in the next two weeks maybe seek direction from the Board. But for now, as we start removing the soils, the wall will be exposed and that's when we would know whether or not the barrier wall is working. Because it's an underground wall right now, so we have no way of knowing unless soil is removed from it so that we can see how it's holding up. But again, there might be an option that Steve Ross and our construction managers are talking to us about that we will explore and then bring back to the Commission for direction.

COMMISSIONER STEFANICS: Well, Mr. Chair, I know that this Commission, prior to my coming on the Commission has worked very hard on identifying the site for the courthouse and working with it. But I also know that the taxpayers keep asking us and watching us for accountability on this project. And at some point if we feel that the project cannot move forward because of some larger problem I think we need to be serious about the future of that site. So thank you for the update today, but I also think that the taxpayers deserve to know at what point are we and when will anything start. So thank you very much, Mr. Chair.

CHAIRMAN MONTOYA: Okay. Thank you, Commissioner. Anything else, Roman?

MR. ABEYTA: That's all I have, Mr. Chair.

### **XIII. D. Matters from the County Attorney**

#### **1. Executive session**

- a. Discussion of pending or threatened litigation**
- b. One limited personnel issue**
- c. Discussion of possible disposal of water rights**

**Commissioner Anaya moved to go into executive session pursuant to NMSA Section 10-15-1-H (7, 2 and 8) to discuss the matters delineated above. Commissioner Montoya seconded the motion, which passed upon unanimous roll call vote with Commissioners Anaya, Holian, Stefanics, Vigil and Montoya all voting in the affirmative.**

MR. ROSS: Mr. Chair, I expect we won't have any problem getting back here by 6:00 for the public hearings.

[The Commission met in closed session from 4:40 to 6:43.]

CHAIRMAN MONTOYA: I'd like to call this meeting back to order. Could I have a motion?

COMMISSIONER VIGIL: Mr. Chair, I move we come out of executive session where we only discussed pending or threatened litigation, limited personnel issues, acquisition of purchase rights, and the only ones present in the executive session were all the Board of County Commissioners, Steve Ross, County Attorney, Rachel Brown, County Attorney and Penny Ellis-Green, Deputy County Manager, and Roman Abeyta, Manager for the County.

COMMISSIONER HOLIAN: Second.

CHAIRMAN MONTOYA: Okay. We have a motion by Commissioner Vigil, second by Commissioner Holian to come out of executive session.

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

#### **XIV. PUBLIC HEARINGS**

##### **A. Growth Management**

##### **2. Ordinance No. 2010-4. An Ordinance to Amend and Supplement Ordinance No. 2009-12 to Include the City of Santa Fe, New Mexico and the Town of Edgewood, New Mexico in the Santa Fe County Renewable Energy Financing District Pursuant to the Renewable Energy Financing District Act, Chapter 180, Laws of New Mexico 2009; Ratifying Certain Actions Heretofore Taken; and Repealing All Actions Inconsistent with This Ordinance**

DUNCAN SILL (Economic Development Coordinator): Mr. Chair, Commissioners, good evening. On October 27, 2009 this Commission adopted Ordinance 2009-12, creating the Renewable Energy Financing District in the county. Since that time the City of Santa Fe and the Town of Edgewood have adopted resolutions seeking inclusion into the district as permitted pursuant to Senate Bill 647. On April 13<sup>th</sup> this Commission authorized the publishing of title and general summary to amend Ordinance 2009-12 to reflect these inclusions. The item in front of us today seeks the approval to

amend Ordinance 2009-12 to include the City of Santa Fe and the Town of Edgewood into the Renewable Energy Financing District. With that I'd like to stand for questions.

CHAIRMAN MONTOYA: Okay. Any questions for staff?

CHAIRMAN MONTOYA: Okay. I'll open it up now for public hearing.

If there's anyone who would like to speak on behalf of or in opposition to this ordinance, if you'd please come forward. Okay, the public hearing is closed. Commissioner Vigil.

COMMISSIONER VIGIL: I move for approval.

COMMISSIONER HOLIAN: Second.

CHAIRMAN MONTOYA: Motion by Commissioner Vigil, second by Commissioner Holian for approval of this ordinance. Any other discussion? Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. I just want to thank you, Duncan, for all your hard work.

MR. SILL: Thank you, Commissioner.

**The motion passed upon unanimous roll call vote with Commissioners Anaya, Holian, Stefanics, Vigil and Montoya all voting in the affirmative.**

**XIV. A. 4. CDRC Case # VAR 09-5430 Guadalupe Bustillos Variance. Guadalupe Bustillos, Applicant, Requests a Variance of Article II, Section 4.3.2c (Family Proper) of the Land Development Code to Allow A Family Transfer Land Division of 2.5 Acres into Two 1.25-Acre Lots from a Child to a Parent. The Property is Located at 7 Calle Aventura, within Section 22, Township 16 North, Range 8 East, (Commission District 3). John M. Salazar, Case Planner**

JOHN MICHAEL SALAZAR (Review Specialist): Thank you, Mr. Chair and Commissioners. On March 18, 2010, the County Development Review Committee met and acted on this case. The decision of the CDRC was to recommend approval of the variance by a unanimous vote of 4-0. As mentioned in the caption, the applicant is requesting a variance of Article II, Section 4.3.2c. The applicant is requesting this to convey 1.25 acres to his mother by way of a family transfer. The applicant stated that his mother currently lives with him, however, he is planning on getting married in the near future and wishes to give his mother her own piece of property to reside on and to retain a separate parcel for ownership for himself and his future wife.

The applicant has been on this property since 2004. The property lies within the Basin Hydrologic Zone where the minimum lot size is 2.5 acres. A family transfer land division allows for creation of a lot of half the minimum lot size. The 2.5-acre lot has been in the family proper for over five years and can be divided as a family transfer with water restrictions.

Recommendation: The applicant has owned and resided on the 2.5-acre property for five years. All requirements of the family transfer criteria have been met other than compliance with the transfer based on lineal descent described in Article II, Section

4.3.2c of the code. Staff's position is that while the deeding of the property from child to parent versus from parent to child does meet the specific definition of the family proper, the parcel will remain in the family. Staff supports the variance request and views the request as a minimal easing of the code. Staff recommends approval of this request subject to the following conditions. Mr. Chair, there are three of them. May I enter them into the record?

[The conditions are as follows:]

1. Water use shall be restricted to 0.25 acre-foot per dwelling. A water meter shall be installed for both homes. Annual water meter readings shall be submitted to the Land Use Administrator by January 31<sup>st</sup> of each year. Water restrictions shall be recorded in the County Clerk's office.
2. The applicant shall submit for plat approval for the Family Transfer Land Division to be processed administratively and comply with all plat conditions.
3. A note shall be placed on the plat prohibiting any further subdivisions of the property.

MR. SALAZAR: Thank you, Mr. Chair. I'll stand for questions.

CHAIRMAN MONTOYA: Okay. If the applicant is here, if you'd come forward please.

[Duly sworn, Guadalupe Bustillos testified as follows:]

GUADALUPE BUSTILLOS: Good afternoon. My name is Guadalupe Bustillos and I live in #7 Calle Aventura.

CHAIRMAN MONTOYA: Okay. Do you agree with staff's recommendation?

MR. BUSTILLOS: Yes, sir.

CHAIRMAN MONTOYA: Was there anything else that you'd like to add? Okay, so then we'll ask questions. Any questions for the applicant?

COMMISSIONER VIGIL: Mr. Chair.

CHAIRMAN MONTOYA: Commissioner Vigil.

COMMISSIONER VIGIL: I think in reviewing the CDRC we did ask if upon the death of the mother the property would be deeded back to you and I can't tell if that answer was given to them. So I guess my question is if you do divide your property and your mother pre-deceases you will that property go back to you?

MR. BUSTILLOS: No. I'm trying to keep a home for my mother.

COMMISSIONER VIGIL: Okay.

CHAIRMAN MONTOYA: If she passes away before you do you get the land back?

MR. BUSTILLOS: Yes, I think so.

CHAIRMAN MONTOYA: Would it have to be deeded that way?

COMMISSIONER VIGIL: That's the way the question was posed at CDRC. I'm not sure how it was responded to. Do you have a response, John Michael?

MR. SALAZAR: Mr. Chair, Commissioner Vigil, the applicant has mentioned that he has siblings and he's not sure if his mother would want to possibly pass it on to one of them rather than him.

COMMISSIONER VIGIL: That's fine. The other question is he has lived on the property how long?

MR. SALAZAR: Since 2004, Commissioner.

COMMISSIONER VIGIL: So he has met the five-year requirement?

MR. SALAZAR: Yes.

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

CHAIRMAN MONTOYA: Okay. Other questions for the applicant?

Okay, we will have a public hearing now, if there's anyone who would like to speak on this case would you please come forward? Okay, seeing none, the public hearing is closed. What are the wishes of the Board.

COMMISSIONER ANAYA: So moved.

CHAIRMAN MONTOYA: With conditions?

COMMISSIONER ANAYA: With conditions.

COMMISSIONER HOLIAN: Second.

CHAIRMAN MONTOYA: Motion by Commissioner Anaya, second by Commissioner Holian. Any further discussion?

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

**XIV. A. 5. CDRC Case # VAR 10-5000 Tony Martinez Variance. Tony Martinez, Jr., Applicant, Requests a Variance of Article III, Section 10 (Lot Size Requirements) of the Land Development Code to Allow A Family Transfer Land Division of 12.5 Acres into Three Lots. The Property is Located at 02 Sandia, within Section 25, Township 15 North, Range 8 East, (Commission District 5) John M. Salazar, Case Planner**

MR. SALAZAR: Thank you, Mr. Chair. Again, on March 18, 2010 the CDRC recommended approval of this variance with a unanimous vote of 4-0. The applicant is requesting a variance of Article III, Section 10 to allow a Family Transfer Land Division of 12.5 acres into three lots. The minimum lot size in this area is 12.5 acres per dwelling unit; lot size may be reduced to 6.25 acres through a small-lot family transfer.

Commissioners, there are currently three homes on the property. The applicant occupies one residence and his adult children occupy the other two. It has been the applicant's intent to leave a piece of property to each of his children since he bought the property. The property is served by an onsite well and three conventional septic systems. The three residences were permitted by the Land Use Department via permit #83-401. This permit was accompanied with a memo from former Land Use Director Richard Gorman dated June 2, 1983, and that's Exhibit F in the packet.

Recommendation: The application does not meet current density requirements, however a permit for placement of three mobile homes on the parcel was issued on June 2, 1983 and infrastructure exists on the property supporting these residences. Staff along with the CDRC recommends approval of the variance due to density on the property

being established in 1983 for three dwelling units. Staff also recommends the following conditions. Mr. Chair, may I enter those into the record?

[The conditions are as follows:]

1. Tract D shall be evenly divided into three lots with a 30' easement to serve the existing gravel road bisecting the parcel.
2. No further division of the property shall occur.
3. The lots shall be restricted to 0.25-acre feet per year and water meters shall be installed to each lot at the time of plat recordation.

MR. SALAZAR: And I'll stand for questions.

CHAIRMAN MONTOYA: Okay. Questions for staff? Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. John Michael, on the conditions for this one, on #2 you say no further division of the property shall occur. Normally, you say something like, a note shall be placed on the plat prohibiting any further divisions. So I wonder if we could amend that condition so that it actually specifies that there will be a note on the plat.

MR. SALAZAR: Mr. Chair, Commissioner Holian, we can amend that condition to include that.

COMMISSIONER HOLIAN: Okay. Thank you.

CHAIRMAN MONTOYA: So that will be added as condition 3?

COMMISSIONER HOLIAN: Well, it will be a modification of condition 2.

CHAIRMAN MONTOYA: Okay. So just add a little bit to that one. Okay. Any other questions for staff? Okay, if the applicant would please come forward. If you would be sworn in.

[Duly sworn, Tony Martinez, Jr. testified as follows:]

TONY MARTINEZ, JR.: My name is Tony Martinez, Jr. and I live in 02 Sandia, Santa Fe County, Santa Fe, New Mexico.

CHAIRMAN MONTOYA: Okay. Mr. Martinez, are you in agreement with staff's recommendation?

MR. MARTINEZ I didn't quite understand what the recommendations were.

CHAIRMAN MONTOYA: The recommendation is for approval, and then there's three conditions. One is that Tract D shall be evenly divided into three lots, with a 30-foot easement to serve the existing gravel road bisecting the parcel. And then the second one is that there's going to be no further lot splits. And the language, Commissioner Holian, again was --

COMMISSIONER HOLIAN: That it shall be noted on the plat that there will be no further lot splits.

MR. MARTINEZ It's only going to be divided into three lots. As far as one on the other side, it's already divided, so I can do something with that also.

CHAIRMAN MONTOYA: Okay. And then the third condition is that the lots shall be restricted to .25, a quarter acre-foot per year and water meters shall be installed to each lot at the time of plat recordation.

MR. MARTINEZ I agree with that.

CHAIRMAN MONTOYA: Okay, so you agree. So those are the three conditions that they have recommended for approval.

MR. MARTINEZ I understand.

CHAIRMAN MONTOYA: Any questions for the applicant?  
Commissioner Vigil.

COMMISSIONER VIGIL: For my clarification purposes, do you understand that the three lots that you currently have divided cannot be divided anymore?

MR. MARTINEZ Right. I understood that when I – when I brought the property they told me that I could divide the property and it didn't happen that way. It went different because I didn't even have – they told me I could put some mobile homes in there. I had to come to the County to get it approved for the mobile homes. And when I bought it from the realtor he told me that I could put some mobile homes and I could divide the property within a year time into three acre lots. But it didn't go nowhere. It took me 27 years to get up to this point. I did it now.

COMMISSIONER VIGIL: As long as you understand that. Thank you,  
Mr. Chair.

CHAIRMAN MONTOYA: Okay. Any other questions for the applicant?  
Okay. Thank you, Mr. Martinez. I will open it up now to a public hearing. If there's anyone who would like to speak on this case if you'd please come forward. Okay, seeing none, this public hearing is closed. What are the wishes of the Board?

COMMISSIONER HOLIAN: Mr. Chair, I move for approval of CDRC Case V 10-5000, with staff conditions and the changed wording on condition #2 that no further division of the property shall occur and be noted on the plats.

CHAIRMAN MONTOYA: Okay, I have a motion by Commissioner  
Holian.

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

CHAIRMAN MONTOYA: Okay. Second by Commissioner Vigil. Any  
discussion?

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

- XIV. A. 6. CDRC Case # VAR 10-5070 Lorraine Archuleta Variance.  
Loraine Archuleta, Applicant, Requests a Variance of Article III, Section 10 (Lot Size Requirements) of the Land Development Code to Allow a Third Dwelling Unit on 1.79 Acres. The Property is Located at 4 Corte Arroyo Alamo, within Section 8, Township 20 North, Range 9 East, (Commission District 1) John M. Salazar, Case Planner**

MR. SALAZAR: Mr. Chair, Commissioners, on March 18, 2010 the CDRC recommended approval of this variance by a unanimous vote of 4-0. The applicant is requesting a variance of Article III, Section 10 to allow a third dwelling unit on 1.79 acres. The property is located within the traditional community of La Puebla. The



minimum lot size in this area is  $\frac{3}{4}$  of an acre per dwelling unit, and lot size can further be reduced to a third of an acre with community water and community sewer. The applicant currently had two homes on the property, each served by separate conventional septic systems and a shared well. The applicant is requesting a variance in order to be closer to her children so they can care for her as her health has been deteriorating as mentioned in the letter from her doctor.

The existing two homes are occupied by the applicant's children and the third would be occupied by the applicant.

Recommendation: Staff recommends that the variance be denied. Article III, Section 10 states that the minimum lot size in this area is  $\frac{3}{4}$  of an acre per dwelling unit. Medical conditions are not contemplated by the code. If the decision of the BCC is to approve the applicant's request staff recommends the following conditions be imposed. Condition number one was a condition placed by the CDRC, which is for a temporary placement of a third dwelling. Mr. Chair, may I enter these four conditions into the record?

[The conditions are as follows:]

1. Temporary placement of the third dwelling unit shall be for five years after which time, the Applicant shall petition the BCC for additional time should the hardship continue to exist.
2. The Applicant provides updated septic permits at the time of permitting for the third dwelling unit.
3. A shared well agreement shall be recorded in the County Clerk's office.
4. Water use shall be restricted to 0.25-acre feet per year and each residence shall install a water meter prior to issuance of the permit for the third dwelling unit.

CHAIRMAN MONTROYA: Questions for staff? Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. John Michael, where would the septic go for the third house?

MR. SALAZAR: Mr. Chair, Commissioner Holian, the applicant would have to apply with the New Mexico Environment Department for either a third septic or to share one of the existing septic, whichever the Environment Department felt comfortable issuing.

COMMISSIONER HOLIAN: I see. So that hasn't been decided yet.

MR. SALAZAR: No.

COMMISSIONER HOLIAN: Okay. Thank you.

CHAIRMAN MONTROYA: Other questions. Okay. If the applicant would come forward please.

[Duly sworn, Lorraine Archuleta testified as follows:]

LORRAINE ARCHULETA: I'm Lorraine Archuleta, and I'm living with my son now at Arroyo Alamo West on the same property that I'm asking for you guys to let me move my mobile home. The reason that I want to put my mobile home there – it's already there but I haven't moved into it. I am very sick. I have arthritis on my neck, my two shoulders. I'm a sugar diabetic. There's sometimes I don't even know where I'm at and I feel that while my doctor had said that I should move close to my kids because there's sometimes I don't even know what's going on. Like I don't remember none of

you the last time I was in here. I'm sure you guys were here but I was in so much pain on my neck and on my head that day that I don't even remember seeing none of you guys.

But I do want to ask you to please let me put my – live down there by my two children. Those are the only two children I have.

CHAIRMAN MONTOYA: Okay. Any questions for the applicant?  
Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. Have you investigated how you would deal with sewage from the third home on the property?

MS. ARCHULETA: Well, when my dad had the property before he gave it to us, there is an old sewer where he used to dump motor home stuff in it.

COMMISSIONER HOLIAN: So it would be a separate system from what already exists. Is that what you're contemplating?

MS. ARCHULETA: No. There's three sewers there. It's my daughter, my son, and then there was one there that my dad used to use to empty the sewer off his son's and off of his motor homes.

COMMISSIONER HOLIAN: Well, that may not actually be legal any more because normally, for a septic system you have to have  $\frac{3}{4}$  of an acre so you can have a safe distance between any septic and wells. So they might actually require you to put in a closed-loop system which would be quite expensive.

MS. ARCHULETA: For me to be next to my kids, and the way I feel, my sickness, I don't think anything could be too expensive because it would be more expensive if they'd find me out here in Santa Fe or somewhere else dead in the – where I had nobody to take care of me. Which I look pretty good now but you don't know the pain I'm going through. Arthritis is really bad.

COMMISSIONER HOLIAN: Then I have a question for John Michael. Well, I suppose she would have to go to NMED and they would have to approve it before the home were put on the property.

MR. SALAZAR: Mr. Chair, Commissioner Holian, we would require the applicant – she would still need to get a building permit. Although the mobile home is on there. One of the requirements would be an approved septic permit from the New Mexico Environment Department.

COMMISSIONER HOLIAN: Okay. Thanks.

CHAIRMAN MONTOYA: Okay. Other questions for the applicant?  
Okay. We will now open it up to public hearing if anyone would like to speak on this case, if you'd please come forward.

[Duly sworn, Raquel Martinez testified as follows:]

RAQUEL MARTINEZ: Hello. My name's Raquel Martinez. I'm Lorraine's daughter. And she's been living with my brother and we've been having to take care of her. I take care of her after I get out of work. My brother takes care of her in the daytime. There's been incidents too that she's gone on a vehicle. We don't really let her go on a vehicle by herself anymore because she's gotten lost. And she's just been suffering a lot of pain and everything and it would just really help that she stays right by us because we're both in La Puebla and she doesn't really have any help with anyone else or anything. We're trying to get her some programs and everything but it's hard because she doesn't have her own home at this time to help facilitate her different illnesses that

she has from different programs and stuff. It would really help us so that we can check on her. My brother comes from – he has five in his family. I have three in mine, and sometimes I think that's a little nerve-wracking that she can't get her rest or anything because she lives in our home.

We'll do anything, actually, to facilitate her. If we have to get different septics or whatever just to help her be there right now because she's our life. She's the one that helped us when we were going through our struggles and stuff and it's our time to step in and help her out.

CHAIRMAN MONTOYA: Okay. Thank you, Raquel. Anyone else like to speak? Okay. This public hearing is closed. I have one question for the applicant. Are you in agreement with all of the conditions, the four conditions?

MS. ARCHULETA: Excuse me. Can you repeat the conditions?

CHAIRMAN MONTOYA: Temporary placement of a third dwelling unit shall be for five years, after which time the applicant shall petition the Board of County Commissioners for additional time should the hardship continue to exist. That's number one.

Number two, the applicant provides updated septic permits at the time of permitting for the third dwelling unit.

Then third, a shared well agreement shall be recorded in the County Clerk's office, and then the fourth is water use shall be restricted to a quarter acre-foot per year and each resident shall install a meter prior to issuance for the third dwelling unit.

MS. ARCHULETA: We have our own well. How do you put a meter?

CHAIRMAN MONTOYA: You would have to hire a plumber or a well-drilling service.

MS. ARCHULETA: Okay.

CHAIRMAN MONTOYA: So you're in agreement with the conditions?

MS. ARCHULETA: Yes.

CHAIRMAN MONTOYA: Okay. Thank you. What are the wishes of the Board.

COMMISSIONER ANAYA: So moved.

CHAIRMAN MONTOYA: Okay, I have a motion by Commissioner Anaya.

COMMISSIONER HOLIAN: With staff conditions?

CHAIRMAN MONTOYA: With staff conditions?

COMMISSIONER ANAYA: Yes.

COMMISSIONER HOLIAN: I'll second it.

CHAIRMAN MONTOYA: And a second by Commissioner Holian. Any discussion?

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

**XIV. A. CDRC CASE # V10-5040 St. Juliana of Lazarevo Height Variance: St. Juliana of Lazarevo, applicant, requests a variance of Ordinance 2007-2, Section 10.6 (Density and Dimensional Standards) to allow a church cross which exceeds twenty-four feet (24') in height located within the traditional community of Agua Fria at 3877 West Alameda Street within Section 29, Township 17 North, Range 9 East, Commission District 2**

MR. SALAZAR: Mr. Chair, on February 18, 2010 the CDRC recommended approval of this variance by a 5-0 vote. On January 5, 2010, Santa Fe County Code Enforcement responded to a complaint and issued a Notice of Violation stating: The ornament on church roof exceeds 24' height restriction and requires a variance. Code Enforcement took a measurement of the cross and concluded that it was approximately 34 feet in height. Staff conducted a follow-up inspection where it was determined that measuring from different locations on the property the height can be as low as 24 feet in some places and as high as 35 in others, as the property slopes.

The applicant states that the cross built atop the church is the main symbol of their faith. The cross resting on the onion-shaped base painted blue with gold stars is a symbolization of the Mother of God, the Virgin Mary. The applicant further states that throughout the world, this cross and onion-shaped base identify the parish to all who see it as a Russian Orthodox Church and serves as a mandatory, outward expression of their faith and the center of their beliefs.

Recommendation: The CDRC recommended approval on a 5-0 vote. Staff, however, recommends denial of the variance as some parts exceed the 24-foot height limitation. Ordinance 2007-2, Section 10.6 states that residential and non-residential uses are restricted to a maximum height of 24 feet. I'll stand for questions.

CHAIRMAN MONTOYA: Questions for staff? Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. And I don't know if you can answer this or Steve can, but in my mind I'm thinking that we had another church sign issue that had to be changed or made smaller. And I'm just concerned as we hear this case that we be consistent. So can either of you answer that?

MR. ROSS: Mr. Chair, Commissioner Stefanics, that was an EZ case in the old extraterritorial zone and it pertained to a sign, a flashing sign in front of a church school that violated that part of the sign ordinance that prohibits signs from flashing or moving.

COMMISSIONER STEFANICS: No, the thing I'm remembering is a large, tall sign that had to be lowered, and I think it was on Richards Avenue. Was it the same sign?

MR. ROSS: It's an at-grade sign.

CHAIRMAN MONTOYA: It actually had to be moved because it was –

MR. ROSS: It was in the right-of-way.

COMMISSIONER STEFANICS: But did we limit the size, Mr. Chair and Steve?

MR. ROSS: It was not really – it was really a setback issue; it was not a size issue on that particular sign but the sign itself was one of these flashing signs that's

also prohibited by the code. So it was two things. It was in a trail easement and then it was flashing.

COMMISSIONER STEFANICS: Okay, well, Mr. Chair, what I'm trying to find out is have we done anything in order to be equitable. Before I look at a vote on this I'm trying to determine if we have held other cases before us to the 24 feet.

MR. ROSS: We don't recall one, just like this, about crosses.

COMMISSIONER STEFANICS: Even at Commonweal?

MR. ROSS: Not at Commonweal, a religious cross.

COMMISSIONER STEFANICS: No, I'm talking about – so we have allowed higher heights, which is redundant.

MR. ROSS: The last time I can recall something similar to this was that school – was it on Richards? Where they proposed a tower. And that was not granted. It was a church school. I think that was denied, but not for a cross or a steeple.

COMMISSIONER STEFANICS: Thank you, Mr. Chair.

COMMISSIONER VIGIL: On that point, Mr. Chair.

CHAIRMAN MONTOYA: Commissioner Vigil.

COMMISSIONER VIGIL: At Santa Maria de la Paz, is what we're referring to, correct?

MR. ROSS: No.

COMMISSIONER VIGIL: Okay. Santa Maria de la Paz I'd like to focus on because now they do have a tower and a bell. Now, was that approved through a master plan approval? Do you know? That's right off of Richards Avenue across from the Community College. Does anybody have any history on that?

SHELLEY COBAU (Review Division Director): Mr. Chair, Commissioner Vigil, none of us can recall. It's been over five years since Santa Maria de la Paz was approved, so I don't know if it exceeds 24 feet in height or not.

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

CHAIRMAN MONTOYA: Commissioner Anaya.

COMMISSIONER ANAYA: Thank you, Mr. Chair. At what point do we measure? What does it say in the code? Because you said it's 24 feet in some spots and 36 in another.

MR. SALAZAR: Mr. Chair, Commissioner Anaya, the code states to measure from finish floor or final grade, whichever is most restrictive.

COMMISSIONER ANAYA: Finished floor? What is it? Is there only one level?

MR. SALAZAR: Finished floor in this case would be the floor inside the church. Final grade though – on the back end of the church the property slopes down significantly, and I believe that's where our code enforcement took the measurement. When you measure it from the front of the building it's just over 24 feet, probably close to 25. Around the other parts of the building, same case. The back end of that building where it's at 34 feet or 35 feet. In the case where it's sloping down at the back of the building the wall is going down with that slope so it looks more massive than what it is from the front.

COMMISSIONER ANAYA: So the question was, where do you normally measure from? Or you don't? Everything varies?

MR. SALAZAR: It varies, Commissioner.

COMMISSIONER ANAYA: So do you know the level from the floor? Do you know how high it is?

MR. SALAZAR: The applicants says it's 25'7". Also, Mr. Chair, I forgot to mention that before the public hearing I received a phone call from Jo Harvey Allen, a neighbor, and she wanted to state her support for this variance.

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

CHAIRMAN MONTTOYA: Okay. Other questions for staff? Okay, if the applicant would come forward and please be sworn in.

[Duly sworn, Father Luke Huggins testified as follows:]

FATHER LUKE HUGGINS: My name is Father Luke Huggins. I'm pastor at St. Juliana or Lazarevo Russian Orthodox Church. All of the documents, everything technical requirements that we submitted, the appropriate notice, what have you.

CHAIRMAN MONTTOYA: Father Luke, are you – go ahead. I'm sorry.

FATHER HUGGINS: We submitted letters in support of the height of the variance. To my knowledge no formal opposition has been made to this application. Therefore we respectfully rely upon the record incorporated in its entirety be reference here, and I summarize the grounds for the height variance. Special circumstances exist. The cross is the quintessential physical expression of our spiritual beliefs and therefore presents a special circumstance peculiar to this property. A cross, like a steeple is publicly accepted as an architectural design expected on a house of worship which warrants special exceptions to the variance. Request results in minimum easing of requirements. The narrow cross, which is five inches wide, rises above the church roofline for the purpose of spiritual expression and identification of the property as a place of worship.

It presents a reasonable use of the land and the church building and results in minimal easing of existing height restrictions. No injury to the neighborhood, the cross does not block any neighbor's scenic view nor create a hazard or nuisance. Its gold hue blends harmoniously with the desert landscapes and creates no detriment to the public or injury to the neighborhood or community. It promotes public welfare. Prior to the placement of the cross we received many calls from visitors and vendors who were unable to locate the church. Even adjoining property owners, the Winneburgers, were bothered by people who presumed their home was the church. Since the cross have been placed on the roof people have commented on the cross' visibility from West Alameda for landmark purposes, as well as its beauty.

In conclusion, we respectfully request that the committee recommend approval of our application for a height variance. Thank you.

CHAIRMAN MONTTOYA: Okay. Thank you, Father Luke. Any questions for the applicant? Okay. Thank you, Father Luke. We will open this up not to public hearing. If there's anyone who would like to speak on this application, if you'd please come forward. Okay. Seeing none, this public hearing is closed. What are the wishes of the Board?

COMMISSIONER HOLIAN: Mr. Chair.

CHAIRMAN MONTTOYA: Commissioner Holian.

COMMISSIONER HOLIAN: I move that we approve CDRC Case #V 10-5040 with – are there staff conditions?

CHAIRMAN MONTOYA: No.

COMMISSIONER HOLIAN: No? Okay.

COMMISSIONER ANAYA: Second.

CHAIRMAN MONTOYA: We have a motion by Commissioner Holian, second by Commissioner Anaya. Further discussion? Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, thank you. I think this is a minimal easing of the code, and even if it wasn't, I think that it's important for a place such as the church to stand out more, to be more visible. I know that I can go around the county, around the state, and picture churches, and churches are always stand out or stand up. So I think it's minimal, but even if it wasn't I'd still support it. Thank you, Mr. Chair.

CHAIRMAN MONTOYA: Okay. Commissioner Vigil.

COMMISSIONER VIGIL: I do believe that the church has actually been there for quite some time and the variance that's being requested right now is recent. The dome and the cross. How long has the church been there?

FATHER HUGGINS: I've only been here for about 2 ½ years.

COMMISSIONER VIGIL: But the actual existence of the church.

FATHER HUGGINS: The church has been there since 2000.

COMMISSIONER VIGIL: Okay. And are all those who are in the audience in support of this variance? So nobody's here opposed. Very well. Thank you, Mr. Chair.

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



**XV. ADJOURNMENT**

Chairman Montoya declared this meeting adjourned at 7:25 p.m.

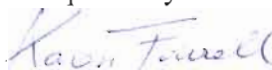
Approved by:

  
\_\_\_\_\_  
Board of County Commissioners  
Harry Montoya, Chairman

ATTEST TO:

  
VALERIE ESPINOZA  
SANTA FE COUNTY CLERK

Respectfully submitted:

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

XI J.



# SANTA FE COUNTY

## Resolution No. 2010 -

### Resolution regarding Comprehensive Immigration Reform

**WHEREAS**, Our nation was founded by immigrants who come to the “New World;” and

**WHEREAS**, Our nation’s immigrants have made invaluable contributions to the progress of the United States and immigrants continue to enrich the social, economic, cultural and civic life of our country; and

**WHEREAS**, Our immigration policies must continue to recognize these contributions, as well as the important role that immigrant workers and their families play in the future growth of our nation; and

**WHEREAS**, In order to best ensure our nation’s security, our immigration enforcement measures must be effective, fair and humane; and

**WHEREAS**, Currently, there are currently immigrants who have been here for several years, pay taxes, raise families, and contribute to their communities, yet do not have legal immigration status; and

**WHEREAS**, This nation’s immigration policies should recognize the contributions of newcomers by providing them with an opportunity to obtain legal permanent residency and U.S. citizenship through an “earned” legalization program with fair and reasonable requirements; and

**WHEREAS**, It is important that our immigration policies recognize the efforts of U.S. citizens that have petitioned for loved ones, through legal channels, that we institute measures to ensure swift family reunification through a substantive reduction of the family application backlogs; and

**WHEREAS**, the State of Arizona recently passed an immigration law, SB 1070, signed into law by Governor Jan Brewer on April 23, 2010 and thereafter modified and clarified the law by adoption of HB 2162, signed into law on April 30, 2010; and

**WHEREAS**, Santa Fe County is deeply committed to human rights, human dignity and social justice; and

**WHEREAS**, America has always been a land of opportunity for hardworking immigrants supported by the enduring principles of our Constitution and Latin American

REC'D  
CLERK  
RECORDED  
06/10/2010

SFC CLERK RECORDED 06/10/2010

and Mexican immigrants have come in search of better lives for their families and themselves;

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY that:**

1. Santa Fe County calls upon our national leaders to agree upon comprehensive reform of immigration legislation which provides for a compassionate path to citizenship; and
2. Santa Fe County believes in the dignity of work and advocates for humane treatment of working immigrants and calls upon President Barack Obama and the Honorable Congress of our great nation to courageously pursue Comprehensive Immigration Reform; and
3. Santa Fe County calls upon its citizens to stand together and find solutions for the greater good of all including those least able to defend themselves in the spirit of the great Abraham Lincoln, Martin Luther King, and Cesar Chavez.

**PASSED, APPROVED AND ADOPTED** this \_\_\_\_ day of May, 2010.

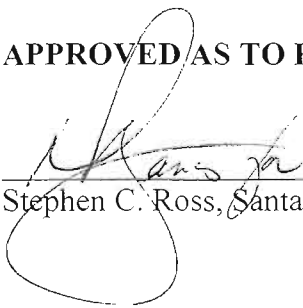
**BOARD OF COUNTY COMMISSIONERS**

\_\_\_\_\_  
Harry B. Montoya, Chairman

**ATTEST:**

\_\_\_\_\_  
Valerie Espinoza, Santa Fe County Clerk

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Stephen C. Ross, Santa Fe County Attorney