

**MINUTES OF THE
SANTA FÉ COUNTY
COUNTY OPEN LAND AND TRAILS PLANNING AND ADVISORY COMMITTEE
(COLTPAC)**

Thursday, May 19, 2011

1. CALL TO ORDER

A regular meeting of the Santa Fé County Open Land and Trails Planning and Advisory Committee (COLTPAC) was called to order on the above date at approximately 6:00 p.m. by Chair Sam Pallin at the Santa Fé County Community Projects Conference Room, 901 West Alameda, Santa Fé, New Mexico.

2. ROLL CALL

Roll Call indicated the presence of a quorum as follows:

Members Present

Sam Pallin, Chair
William Hutchinson
Judy Kowalski, Vice Chair
Eliza Kretzmann
Sandra Massengill
Michael Patrick
Jerry Rogers

Members Absent

Matthew Montoya [excused]
Scott Stovall [excused]

Staff Members Present

Beth Mills
Colleen Baker

Others Present

Dee Frankfourth, TPL

3. APPROVAL OF THE AGENDA

Ms. Kowalski moved to approve the agenda as presented. Mr. Patrick seconded the motion and it passed by unanimous voice vote.

4. APPROVAL OF MINUTES FROM APRIL 21, 2011

Mr. Rogers moved to approve the minutes from April 21, 2011 as presented. Mr. Hutchinson seconded the motion and it passed by unanimous voice vote.

5. MATTERS FROM THE PUBLIC

There were no members from the public present.

6. MATTERS FROM THE COMMITTEE

A. Discussion with Dee Frankfourth, Trust for Public Lands Director

Mr. Patrick introduced Ms. Dee Frankfourth, Director of the Conservation Finance Program at TPL's office in Seattle. He explained that she worked at helping counties and cities create new funding sources of open land, trails, etc. She worked in 13 western states and had been with TPL about 4 years.

For the last two meetings the Committee had discussed funding and how to help guide the county into the right path. So it seemed a good time to ask Ms. Frankfourth to come here.

Chair Pallin thanked her for coming.

Ms. Frankfourth said sometimes their work was defending existing funding sources and in Santa Fé and Bernalillo Counties to help COLTPAC and the elected body look at when the best time was to issue a bond. She had been talking with Dr. Mills and Ms. Baker for a couple of years.

On August 18, 2009 the Board of County Commissioners (BCC) invited TPL to provide technical assistance. What that triggered, was the report "Conservation Finance Feasibility Study: February 2010" which the Committee received by email. It was a little over a year ago and was sent also to BCC members. This didn't require action by the Board, but they typically would discuss the results in a study session.

The report would need some updates since it was a year old. In the interim, TPL knew the Committee was looking at funding and renewing the funding and it required the next step - a referral to a certain ballot. That was where things were now.

She had done some homework and stood ready to make some recommendations to the BCC.

Mr. Patrick asked her to talk about the several areas of her expertise.

Ms. Frankfourth said the County was sitting on its GRT, its capital outlay and she didn't know if they had any bond funding left. Ms. Baker and Dr. Mills asked her to research what mechanisms existed; what property tax might be available and what bonding might be available. She asked what was legally available to Santa Fé County.

Ms. Massengill and Ms. Baker arrived.

In this next iteration TPL would conduct a poll that would require County funding to determine what the public felt made the most sense - building trails, O&M, etc. She understood the Committee had been looking at some O&M which excluded bonds. So TPL would look at the poll and what kind of mechanisms the voters supported most. Then they would identify the benefits that were most supported by voters. They

would find out how much tax tolerance they would support and which election made the most sense to put a measure on.

Those were the things TPL would hope to learn from the poll and what they did across the country. They got invited in; did a feasibility study and then conducted the poll and on that basis made recommendations on what to do at what level and for which benefits.

Chair Pallin asked if they required a new invitation from the Commission.

Ms. Frankfourth said they did not. They were still operating under the request for TA. It should have been included in the feasibility report Mr. Patrick sent the Committee. So they were in full tilt operation mode with the County.

Chair Pallin asked if the Committee would fund some of that work.

Dr. Mills said the only funding needed was for the polling.

Ms. Frankfourth agreed. It would cost \$16-18,000.

Ms. Baker said it would come out of the budget. This was a sticking point at the County Attorney - County Manager level. There was disagreement about what the actual mechanisms were for funding the Open Space Program and the timing so staff didn't get to go back to the Commission.

Ms. Frankfourth said it had been on hold for about a year. It was at the time of the County Manager change.

Ms. Baker said the County ended up decreasing funding significantly to the hospital.

Dr. Mills said with all the turnover of management she spent almost all her energy in August and September figuring out whether they were going to have a committee at all. There was a time when it looked like they were going to dissolve committees altogether and cut the program.

A new resolution was passed and some aspects of purpose changed and the committee composition changed. By the end of the calendar year they were assured there would be a committee and it would look like this. Staff worked with the new manager on the structure.

For about 6 months the Committee was running on faith and staff were working like mad to make sure it was palatable and whether the funds could be used in Santa Fé County. Ultimately they had support from the County Manager as well as the BCC but putting pen to paper was done by the Assistant County Manager, Penny Ellis Green. She responded and made it happen.

Ms. Frankfourth felt that was an important piece of this. It required champions at elected and administrative levels. So now the County Manager and Assistant County Manager were interested in renewed funding and a couple of Commissioners were also interested.

There remained a slight disagreement despite TPL research. Bernalillo County had a mil levy but the county attorney here said that mechanism could not be used in Santa Fe County.

Ms. Baker clarified that there was no enabling legislation that allowed a mil levy for open space.

Ms. Frankfourth said TPL did their research. There certainly would appear to be enabling legislation or Bernalillo County couldn't do it. There were mils left when TPL recommended it as an option. TPL could issue another legal opinion but it wouldn't make a difference. It was in the county administration from what she could see.

Dr. Mills said Commissioner Holian talked today about sitting down to talk about it with TPL.

Ms. Frankfourth felt this had languished long enough. She thought that was exactly the kind of attention this matter needed. TPL certainly believed there were legal mechanisms and before she came to that meeting she would want to look again to see if there were mils left. The enabling legislation did exist. She wanted to make sure before taking it before the BCC. In these economic times, there needed to be an elected official to champion it. Maybe Commissioner Holian was it.

Ms. Baker agreed she had been most outspoken but thought they had support from Commissioners Vigil and Stefanics as well.

Chair Pallin added that Commissioner Anaya also had interest. At a public meeting two weeks ago, his issue was that the County was buying properties right and left but had no money for maintenance and the public was not being admitted to them.

Ms. Baker said both Anaya and Mayfield had expressed interest. She was just not as sure of their support.

Mr. Patrick said they needed to create funding not only for acquisition but also M&O. Ms. Baker agreed.

Ms. Frankfourth said it was an interesting dilemma. In poll after poll voters didn't want to pay for bureaucracy and wanted to make sure the bonds would secure property or the infrastructure. It was a balancing effort to create the values and benefits they would say yes to and didn't break their pocketbook.

. Last midterm TPL efforts passed 84% of the measures on the ballot. So they were still voting for them. Bad economic times focused on value. This off election year in November was not a year to create new funding. The big turnout of supporters would be in November 2012. That was the election they should target.

She suggested they might think about having someone from Bernalillo County to reinforce it. The Committee would be the best judge of that.

Mr. Rogers suggested asking the Bernalillo County Attorney what the statutory authority was for that. Getting money for M&O tended to trigger a response from voters to ask why they should approve a mil levy if the County couldn't take care of what it had already.

Chair Pallin asked on the purchase right now, how much that removed from the county tax rolls.

Ms. Baker agreed they needed to look into that and also what services were not needed there. It was a complicated cost benefit analysis.

Chair Pallin asked who could make that analysis.

Ms. Baker wasn't sure.

Ms. Frankfourth said TPL recently hired a conservation economist who was starting to do this on a larger scale. What Ms. Baker just said was very real. Some people needed to have the case made - you were precluding need to provide services; ecosystem for flood control and aquifer retention as well as tourist benefits. So TPL could help make those cases.

Dr. Mills said they were likely to run into that in a big way with the upcoming trail connector project because the taxes on that property were very high.

Ms. Frankfourth said they could do the research. If that would be determinative and help make the case, they could talk about it.

Ms. Kowalski thought it would be more productive to use one parcel.

Ms. Frankfourth agreed that tackling one high profile property might be the way to go.

Mr. Rogers said that was reason to give more attention to operations. The benefit was in the future when people were visiting.

Mr. Patrick thought taking it off the tax rolls was an issue for getting it to the ballot.

Mr. Rogers felt the voters were not the big problem.

Ms. Frankfourth noted that New Mexico was 16 for 16 on these ballots. It was a net gain and not a net loss. TPL would help the Committee use those. She liked Mr. Rogers's idea if they did it subtly rather than force it in a meeting.

She asked what the effect of the SLDC was on the Committee's work.

Chair Pallin thought some people were very upset with it. They felt like sustainable development was something more appropriate for the City of Santa Fé environment. The intense push for density in Edgewood and Santa Fé had some south County people upset.

Mr. Hutchinson said the small villages felt they were giving up autonomy.

Ms. Baker said there was a big vision for what open space could be in the Plan but no way to get there.

Ms. Frankfourth knew the new code was just going out now. She asked if that had any bearing on the Committee's work and open space plan.

Chair Pallin thought the staff had quite a bit of input.

Dr. Mills said no one had seen the code yet. It was not at the public outreach meetings and people were finding that out at the meetings. They needed to see the code to understand it.

Ms. Baker said the plan was out with lots of importance on open land. The code was either written or being written by a party of 3 and would be rolled out in pieces but the public meetings were only on the concepts.

Dr. Mills had requested permission to sit with the Planning Director on specific changes needed for this program. They needed to incorporate changes and she hadn't had any luck yet.

Ms. Baker said they were talking about actions out of subdivisions for space and parks that were to be codified with no provision of staff to support that or deal with it.

Chair Pallin asked if there was any guarantee those fees would not go to the General Fund. Ms. Baker said no.

Ms. Frankfourth said if you did pass a mil levy in 2012, a significant portion of voter support would send a strong message and be a nice reinforcement.

Chair Pallin agreed that getting permission to use a mil levy would be key.

Ms. Baker said they did have GRT coming in and a good record for bonding at a small level but unless they could build out the projects already funded and take care of them and open them, it was not a smart move to go for more funding.

Chair Pallin noted that the economy wouldn't always be this weak so the County needed to make acquisitions while it could.

Ms. Frankfourth agreed. Communities could get prime properties at bargain prices now. That was a selling point with elected bodies. She heard the Committee saying loud and clear that having a dedicated source for O&M was important. She hoped they could move the mil levy issue and put it behind them. She agreed to double check it.

For funding of a poll and then any costs of a campaign they would want to set up a citizen's committee and COLTPAC would be the nucleus for that - modest funds for communications with voters.

She was engaged with the City of Santa Fé in 2008 and TPL worked with an activist committee and it passed.

Dr. Mills said she met with Betty Booth and was unclear about whether the City was going out for a new bond in the near term.

Ms. Frankfourth said TPL worked with her.

Dr. Mills thought she seemed concerned about spending that money in time.

Ms. Frankfourth explained that once they passed it, they just sold part of the bonds. Maybe they still had voter authorization.

Mr. Hutchinson thought they needed to get inside M&O. He asked if they had any analysis on amounts per thousand acres compared with other communities. He also thought they needed to explain what O&M meant - specific things that people could relate to.

Ms. Frankfourth encouraged all of the members to write down specific things like that because they could test it in a poll. The other things in O&M read like jobs - so it didn't read like bureaucracy - replanting areas or building rest rooms. Jot them down so she could capture them for the poll.

Mr. Hutchinson wondered how efficient they would be. Someone came up with a statistic that Santa Fé spent twice as much per 100 acres compared with Albuquerque.

Ms. Baker said most of the staff were involved in capital development and only 2-3 in O&M. The maintenance budget was way down.

Mr. Hutchinson suggested some analysis with other cities.

Mr. Patrick hadn't heard of any comparisons on O&M. Normally they would compare it with number of visitors but they didn't have that.

Ms. Kretzmann suggested telling the public, "We care for thousands of acres in your back yard."

Ms. Frankfourth said it was actually protecting their investment.

Mr. Rogers agreed. They were protectors of natural and cultural resources.

Mr. Patrick wondered what else there was if the County didn't support a mil levy.

Ms. Frankfourth noted the County was maxed out on GRT. Real estate transfer tax was fought by realtors strongly. TPL looked at mechanisms that were effective, proven, and pragmatic.

Ms. Baker noted that some didn't work until the economy was moving. Special assessments could bring a challenge.

Ms. Frankfourth agreed; plus these resources were county-wide so it didn't make sense to carve up a little subset. TPL tried to keep it simple and fair to help you do the business you've been doing.

Mr. Hutchinson asked if staff knew who visited the open space.

Ms. Baker said they had never done collected that information.

Ms. Kowalski recalled they talked about having volunteers do surveys on the areas people were using.

Chair Pallin asked about user fees.

Dr. Mills said they were considering that for the Edgewood equestrian facility. They would have to update county code to do that.

Mr. Hutchinson suggested having solar powered credit card swipers. He asked what the fee would need to be to help with O&M.

Chair Pallin thought of having a county permit for the year.

Ms. Baker said there was nothing to enable the fees and secondly they didn't have properties open. They would have to get them open enough to generate the user trips. Also the voters would say they already paid for them.

Chair Pallin said in Arizona there was a statewide permit annually that were sold along the lines of - if you want to see these properties kept up.

Dr. Mills agreed it was a good idea to investigate but as they opened Edgewood, Thornton and South Meadows they wanted to be able to open them responsibly. She could see that on these larger properties.

Ms. Baker liked the permit idea also.

Mr. Rogers said he would buy an annual permit but user fees were too much trouble.

Ms. Kretzmann asked about grants.

Ms. Baker said they had gotten a good number of them but they were all for capital.

Ms. Kretzmann offered to help with grant writing and research.

Chair Pallin asked if staff were allowed to take on volunteers with the proper background to work on budget. In Sun City there were great volunteers to do things.

Ms. Baker didn't know.

Mr. Rogers said the Archaeological Society had volunteers that were available some of the time.

Ms. Baker said they did have them on their radar. She had a concern because they needed to have someone coordinating the volunteers.

Chair Pallin suggested the Committee might recommend hiring a volunteer coordinator to the County.

Ms. Baker said she had considered that in our budget. There was some contract money in it. She had talked about having contracted project managers. They still had to have a staff member managing the contract. The price was about double what they paid staff people to do it.

Mr. Hutchinson said it was a model his agency used all the time - on-call contracts. They got paid more but it was much more focused tasks. Those people were out of there when it was finished.

Ms. Baker cautioned that it all had to be carefully spelled out in the contract. - not "other duties as assigned."

7. MATTERS FROM OPEN SPACE AND TRAILS STAFF

B. Resolution for Support of OS&T Operations and Maintenance Funding

Dr. Mills said Mr. Rogers sent her some wording for the resolution. She spoke with Commissioner Holian about setting up a meeting. She really latched on to this and said she would introduce it.

But as she took in other comments - what really was the intention was a little fuzzy last month on how it should come forward and what the mechanism should be. Mr. Rogers was under the impression it was a COLTPAC resolution rather than a sponsored BCC resolution.

By the end of her conversation today, she received direction to talk with legal about how a COLTPAC recommendation would get to the Board. Commissioner Holian invited her to talk to the attorney and she would pursue that.

Chair Pallin said they did that already each time they recommended acquiring property.

Ms. Baker explained that staff put that on the agenda so it was not from COLTPAC but from staff.

Dr. Mills said it needed to be a discussion with the County Manager.

Mr. Rogers surmised that COLTPAC adopted a resolution and it went to the BCC and Commissioner Holian could help get it on the agenda.

Chair Pallin said they had already been on record with the resolution. They could have a motion to adopt the new language.

Ms. Kowalski agreed but this was written for adoption by the BCC. She asked if it could be a resolution to have public access to the lands the public owns.

Ms. Baker said it was broader; it included capital.

Ms. Kowalski thought it was a travesty that county residents could not use those properties.

Ms. Baker thought they could take this like they took acquisition recommendations. We could see if there was a mechanism for COLTPAC to do them.

Mr. Patrick thought maybe a Committee member could stand up and read it to the BCC.

Chair Pallin was uncomfortable having to ask permission from the County Manager. This was no different than acquisitions.

Mr. Patrick agreed with Ms. Kowalski that it needed to be more specific.

Ms. Kowalski asked why public access was not allowed right now.

Chair Pallin said they were incomplete and there was not sufficient staff. They had not built the access roads and the parking lots and the latrines.

Ms. Baker added that it was getting a handle on the resource itself. It required development of a facility plan and then have rangers to protect the place and then find money for maintenance. They had hired contractors for plans.

Chair Pallin clarified that they wanted to get the BCC to agree that the next budget had to have an item to fund these things. If they approved it then the Committee had to get specific. COLTPAC was appointed by the Commission to advise them. Let's advise them.

Mr. Rogers agreed and COLTPAC didn't advise the County Manager. He thought they could do it.

Ms. Baker noted that the FY 12 budget was already prepared.

Chair Pallin thought it might be too late for this coming year but they should get it going anyway. They were asking for adequate staff to get things done.

Ms. Kretzmann asked what Dr. Mills thought would be most strategic to get it accomplished.

Dr. Mills said even though they were advisory, having the support of the County Manager from staff level was important. It would be better to have her buy in on it.

Chair Pallin understood it would be good to have the County Manager on our side but going to her to ask permission was another thing. The Committee should ask her cooperation but not ask her permission.

Mr. Rogers said this resolution stands on its own but we want the County Manager to not resent it the next time she had to do a budget.

Dr. Mills wanted to explore more what the most strategic and powerful mechanism would be to give this advice to the BCC.

Chair Pallin said okay and suggested they table it for now

Mr. Rogers said that wasn't necessary since there was no motion was on the floor now.

Chair Pallin said Dr. Mills could work on the strategy. It might set a precedent because the Committee had only recommended acquisitions in the past.

Dr. Mills agreed to go back to their records to see how the matter was handled when COLTPAC set aside so much money for trails.

Ms. Baker said it was called the trails pre sales packet and was set out in 2002.

Ms. Kowalski wondered if they should ask the County Manager to come talk with the Committee about maintaining the open lands and trails.

Chair Pallin thought it was best to do it informally.

Ms. Baker said they were not asking her permission but getting her on board as a champion for this cause. Chair Pallin agreed and thought the informal route was best.

The Committee agreed with that approach.

A. Update and Discussion of Cerro Chalchihuitl Acquisition

Dr. Mills thought this could wait until the next meeting.

8. ACTION ITEMS

There were no action items.

9. ADJOURN

Having completed the agenda and with no further business to come before the Committee, the meeting was adjourned at 8:00 p.m.

Approved by:



Sam Pallin, Chair

Submitted by:

Carl Boaz

Carl Boaz, Stenographer



COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

COLTPAC MINUTES
PAGES: 12

I Hereby Certify That This Instrument Was Filed for
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And Was Duly Recorded as Instrument # **1658063**
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Deputy *Marcella* _____
Witness My Hand And Seal Of Office
Valerie Espinoza
County Clerk, Santa Fe, NM

SRC CLERK RECORDED 01/23/2012