

SANTA FE COUNTY
BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING

January 27, 2009

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

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This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 10:08 a.m. by Chair Mike Anaya, in the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

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

Members Present:

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

Members absent:

[None]

V. INVOCATION

An invocation was given by Fire Department Jim Temmerman.

VI. APPROVAL OF THE AGENDA

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- B. Tabled or Withdrawn Items**

ROMAN ABEYTA (County Manager): Thank you, Mr. Chair. Staff does have the following amendments to today's agenda. The first, under X. Matters from the Commission, we added G, which is a resolution in support of sensible reform of the 1872 mining law. We added item H, which is a resolution supporting the United States Census Bureau by creating a Census 2010 Complete Count Committee to provide the County with assistance and advise in obtaining the most accurate and complete population count

upcoming decennial census.

Under XI. Appointments, Reappointments and Resignations, B, we are going to hold off on the appointment of Rick Adesso to the Health Policy and Planning Commission, but we will move forward with the appointment of John Cassidy. Still under Appointments, Reappointments and Resignations, we added an item N, which is Appointments to the Census 2010 Complete Count Committee. And finally, Mr. Chair, on the last page of the agenda, under Public Hearings, XIV. A. Growth Management Department, staff is requesting tabling of the interim development ordinance until the February 10th Board of County Commissioners meeting. And those would be the amendments from staff.

CHAIRMAN ANAYA: Okay, Commissioners, what do you think?

COMMISSIONER HOLIAN: Mr. Chair, I would like to approve the agenda as amended, including the tabling of item XIV. A. 1.

COMMISSIONER VIGIL: Second.

CHAIRMAN ANAYA: Before we do that, Commissioner Holian, I would like to see if we could maybe move items XIII. B. 1 and 3 right after Matters from the Commission. Is that okay?

COMMISSIONER HOLIAN: Yes.

CHAIRMAN ANAYA: So that will be included in your motion. How about the seconder? Commissioner Vigil?

COMMISSIONER VIGIL: I'm fine.

CHAIRMAN ANAYA: You're okay. There's a motion and a second. Any further discussion?

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

CHAIRMAN ANAYA: I would just like to pick up our packet and show the people in the audience, this is what we have to deal with today. It's about 3 ½ inches thick, so we are very busy today.

VII. APPROVAL OF CONSENT CALENDAR

A. Consent Calendar Withdrawals

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

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN ANAYA: Commissioner Montoya.

COMMISSIONER MONTOYA: Under the Consent Calendar, I have item XII. A. 7, XII. A. 12, XII. B. 3, B. 8, 9, 12, 13, 14, 15, 16, and 17.

CHAIRMAN ANAYA: Is there a second to remove those?

COMMISSIONER VIGIL: Second.

CHAIRMAN ANAYA: Motion and a second. Any further discussion?

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

COMMISSIONER VIGIL: Mr. Chair, just a point of clarification. I think the motion you just took a vote on was to approve the withdrawals. I'd like to make a motion that we approve the Consent Calendar with withdrawals at this point in time, just for further clarification.

CHAIRMAN ANAYA: Thank you, Commissioner. Motion, is there a second?

COMMISSIONER HOLIAN: Second.

CHAIRMAN ANAYA: Motion and second by Commissioner Holian.

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

VIII. APPROVAL OF MINUTES

A. December 9, 2008

COMMISSIONER MONTOYA: Mr. Chair, I have one typographical error and I would move with that correction, unless there are other corrections.

CHAIRMAN ANAYA: There's a motion as amended or corrected by Commissioner Montoya. Is there a second?

COMMISSIONER VIGIL: Second.

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

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

IX. MATTERS OF PUBLIC CONCERN – NON-ACTION ITEMS

CHAIRMAN ANAYA: Is there anybody in the audience that would like to speak under Matters of Public Concern? Come forward, sir.

JOHN GUTTING: Thank you, Mr. Chair and Commissioners, my name is John Gutting and I'm a member of the Pojoaque Basin Water Alliance and a member of the Valley Unity Group. Our concern is well water from the Nambe-Pojoaque-Tesuque Valley. I'm also a member of the Nambe Pojoaque Acequia and Water Well Association. I would like to take this time to thank all of the Commissioners that came to Mr. Montoya's meeting on January 15. We appreciated you coming to the valley.

I would hope that you would all agree that there are still many unanswered questions pertaining to the Aamodt settlement. Mr. Sayre stated at a previous meeting that there were no

detailed drawings or studies to support the economic viability of either system. We also feel there are major EPA issues that have yet to be addressed. Mr. Sayre did point out during the January 15th meeting that the wastewater pipeline would not be built at the same time as the water system due to separation requirements between the wastewater line and the water line. We request to have a forum similar to the Española Basin Regional Planning Issues Forum, and we are willing to coordinate the forum, and we request that the County staff and Commissioners attend this forum.

Most valley residents feel that they are being forced to accept the settlement and wastewater systems without any input. PBWA is the only group that has done any polling on either system and it shows that there is little support of the non-pueblo systems. Most would support Indian only water systems. We would also like to request that the Commission respond to our position papers that we handed to the Commission at the last meeting, and we would like to request once again that the County not move forward with approval and/or funding for these projects or others without public input. Thank you again, Mr. Chair and Commissioners.

CHAIRMAN ANAYA: Thank you, John.

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN ANAYA: Commissioner Montoya.

COMMISSIONER MONTOYA: I'd like to know when your polling was done.

MR. GUTTING: The polling was done in early spring last year. Yes, early spring. Just about the start of water season, Harry.

COMMISSIONER MONTOYA: Okay. So about 2007?

MR. GUTTING: 2008.

COMMISSIONER MONTOYA: 2008. Okay. Because the surveys – I appreciate Ms. Garcia, Amelia, giving me those petitions and questions that were on the survey but there were no dates on there, so I wasn't clear if it was done prior to the settlement agreement being agreed to by all parties or if it was after.

MR. GUTTING: No, most of those were done when we were going around getting acequias ready last spring.

COMMISSIONER MONTOYA: Okay. All right. Thank you, John.

MR. GUTTING: Thank you.

CHAIRMAN ANAYA: Thank you, John.

ELMER WAIT: My name's Elmer Wait and I live in the Pojoaque Basin. And I have a distinct concern. The last County Commissioners meeting, which I attended, the Commissioners went into executive session to acquire water rights in lieu of the Aamodt settlement and water needs of the County. And last week in the paper, Pojoaque Pueblo is buying up a majority of rights on several ditches at this time, which puts both negotiating parties in contention. Who's buying from whom and what they're buying wherefrom, and it's a real convoluted mess. This needs to be looked into because some of those rights – who knows where they're coming from? Are they banked rights? Are they guarded rights? Are they tribal rights? And the County is going to end up paying for these rights, either buying them from the Pueblo or the acequias for the projects that are coming forward, which a lot of the non-Indians

in the area don't want, because it's not viable for us.

There's not real growth development at this time, according to the County survey a couple years ago. There's nobody going to hook onto this plan but everybody's pushing this pipeline. The only people that are going to grant from it are the pueblos. This needs to be looked at real hard, because you're going to try coming across land and you're going to force me into giving up land and you can't force the pueblos to give up land. What's the deal? Second class citizens?

CHAIRMAN ANAYA: Thank you, Elmer. We'll look into that, Roman. You took a note of that. Anybody else who would like to speak?

DAVID BACON: This is on another topic, sort of. Good morning. Two new Commissioners since I was here. I was in the back of the room when you were sworn in, so it's nice to see you here.

CHAIRMAN ANAYA: David, could you state your name.

MR. BACON: David Bacon.

CHAIRMAN ANAYA: Thank you.

MR. BACON: We've been meeting for a year on energy, on forming what we call a citizens energy board. In that time we've seen a lot of changes. We've seen a new president. We've seen an economic meltdown, and we've seen the need for a thoroughgoing energy policy in Santa Fe County. We had a meeting yesterday with the County Land Use office, Jack Kolkmeier and Robert Gallegos [Griego] and it's very clear that they do a great job and they're incredibly busy and incredibly competent at what they do. And I asked Jack – he had outlined the three areas that he used for zoning, which were water, facilities and services. I asked him at the end, well, do you ever consider energy in that? And he said, no, we don't. Energy is kind of decided piecemeal in Santa Fe County.

So these talking points, sort of again to address the really vital need now to have some kind of permanent committee/commission – I don't know what to call it. *[Exhibit 1]* That's partly why I'm throwing it out today. I think it needs to involve Commissioners, staff and citizens, so that we can begin to get a handle on energy policy in Santa Fe County, energy use, energy technology, the whole question. It's one of the essential things now, as the larger economy melts down, to begin to capture everything we can within the local economy, and energy ranks right up there. The new technological breakthroughs allow communities to begin to dispatch their own energy to really take advantage of locally produced energy, not only in savings for citizens, for businesses and government, but for creating a new productive base in the county.

America's lost it's productive base in general and it's going to be up to communities I feel to bring that productive base back. The more we can create a steady growth and stable, locally owned energy systems the better we will be as a county to take advantage of new productive businesses and everything that comes with that.

The Community College went to a biomass district heating system, which I applaud them for. It wasn't the well thought out system. It has a lot of flaws; it has a lot of problems. What we are proposing with the Citizens' Energy Board is a way that we can always grade an

energy system like that to where it grades out A+. That's really what we need to do. There were a lot of questions that didn't get asked about that system and again, that's part of what this citizens energy board would take care of. It would hold meetings and so forth.

COMMISSIONER VIGIL: Mr. Chair.

CHAIRMAN ANAYA: Excuse me one second.

COMMISSIONER VIGIL: David, thank you so much for your presentation. I really appreciate your being here and I'm empathetic and understand where you're coming from. I just wanted to let you know that the process is already underway and it's through the Regional Planning Authority. We actually took action on the resolution. I am chair of that, and I would like to meet with you to give you further details. The direction we gave staff for the energy committee that we are going to be forming there, and it's a joint City-County committee, is to go out to the community, start advertising, to bring in community members to actually formalize that committee.

Staff has been working as you can recall from the ad hoc committee that you were involved on this. It's taken on more direction but it's going to be a joint City-County authority that's going to be moving with that and I would just – Regional Planning Authority staff coordinator is Mary Helen Follingstad and she is well apprised and updated on what direction we're going to be taking. So the issues that you're addressing are all issues that we've discussed, have a real strong sense of leadership towards and are trying to formalize exactly what you're asking for today.

MR. BACON: Great. Should I meet with you then, Commissioner?

COMMISSIONER VIGIL: I'm happy to meet with you and I think we should also meet with our staff person, Mary Helen Follingstad.

MR. BACON: Who from staff is working on this?

COMMISSIONER VIGIL: Mary Helen Follingstad.

MR. BACON: Okay. From County staff?

COMMISSIONER VIGIL: Yes. Regional Planning Authority staff, that's a joint authority.

MR. BACON: Good.

COMMISSIONER VIGIL: Thank you so much for bringing this back to our attention. I think we're on it.

CHAIRMAN ANAYA: Thank you, David. Thank you, Commissioner. Come forward, sir.

PAUL WHITE: Hi. My name is Paul White, and thank you for allowing me to speak. I would like to add to John Gutting's presentation. The Pojoaque Basin Water Alliance currently have over 900 signatures opposing the water utility, the County approved water utility and Aamodt. That's 900 signatures opposing this. We expect to have well over 1,000 very shortly and we do support a pueblo-only system.

Now, just to follow up a little bit on what David mentioned, energy is – this water utility, coupled with the wastewater utility that the County has gone into a memorandum of understanding with the pueblos will use an enormous amount of energy to pump wastewater

uphill in many cases and to supply water, in some cases 25 miles to Bishop's Lodge from the Rio Grande. So we really do need to have – I believe we really do need to have a forum, a public forum where everybody has an equal voice and can voice their concerns. And I'm hoping you will take this under consideration. Thank you.

CHAIRMAN ANAYA: Thank you, Mr. White. Is there anybody else that would like to address the Board? Okay. That's closed. I'd like to recognize a few people in the audience. The New Mexico Association of Counties is holding their mid-winter conference here in Santa Fe and there's a couple people in the audience I'd like to recognize, and that is a commissioner from Torrance County, Commissioner Jim Frost. Could you please stand up, Commissioner? Thank you for being here. We also have in the audience a treasurer from Grant County, Alfred Sedillo. Alfred, thank you. And the vice president of the Association of Counties, Mary Ann Sedillo. Commissioner, thank you for being here. And I see some family members out there but I'll wait on introducing them later. Hi, Jean.

X. MATTERS FROM THE COMMISSION

A. Resolution 2009-5. A Resolution Supporting the "Youth Can Do It" Positive Youth Development Conference on April 23-24, 2009 in Santa Fe (Commissioner Montoya)

COMMISSIONER MONTOYA: Thank you, Mr. Chair, members of the Commission. We are in the process right now of planning this conference and there's a number of entities, agencies and individuals that have been involved in it. Chris Lucero with Hands Across Culture, if you'd come forward, Chris. He's been involved with the planning of it, Mr. Chair, and the resolution is before, and Chris, if you just want to say a few words about kind of where you're at and what you've been doing.

CHRIS LUCERO: Good morning, Commission. I'm honored to be present here today on behalf of many entities like Commissioner Montoya stated. This youth conference is geared to about 300 youth, and we the Santa Fe County DWI program spearheaded this event in collaboration with Torrance County DWI, Hands Across Cultures, La Visión del Valle Coalition, the Española Students Against Drunk Driving Youth Chapter, many youth and community members that are too much to mention at this point but there's a lot of people that are involved with this. It's geared towards youth leadership, youth development, we're having a keynote speaker. We're going to have many breakout sessions at the Santa Maria de la Paz Church. It's a two-day event, as Commissioner Montoya stated. We're looking at gathering students from Santa Fe public schools, Española public schools, Pojoaque, Moriarty schools, McCurdy, and we're going as far as Coronado, which is in the Jemez School District.

So we're looking at a big catchment area of youth. There's been a lot of planning and organizing for this event. So like I say, I'm honored to be speaking for many people that have been behind the scenes making this to ensure that it's going to be a successful event for the youth and the community that we serve. We also thank the Commission for the full support and

giving us support in this underage drinking initiative and event.

CHAIRMAN ANAYA: Thank you, Chris. Any comments?

COMMISSIONER MONTOYA: So, Mr. Chair, what we're asking is that on this resolution is that the BCC, the Board of County Commissioners, support the Youth Can Do It Positive Youth Development Conference that is happening April 23rd through the 25th and also urging the Santa Fe City Council to support the same conference. I would move for approval.

CHAIRMAN ANAYA: There's a motion by Commissioner Montoya. Is there a second?

COMMISSIONER HOLIAN: Second.

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

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

CHAIRMAN ANAYA: Thank you, Chris. I'd like to also recognize a former governor from Tesuque Pueblo Robert Mora, is here. Robert, thank you, for being here.

X. Request for approval for an expenditure of community service funds in the amount of \$1,000 to support the Pojoaque Schools Football and Baseball Programs (Commissioner Montoya)

COMMISSIONER MONTOYA: Mr. Chair, I'd move for approval.

CHAIRMAN ANAYA: There's a motion by Commissioner Montoya.

COMMISSIONER STEFANICS: I'll second.

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

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

X. C. Summary Updates regarding the North Central Regional Transit District Board (NCRTD) and the Northern Area Local Workforce Development Board (NALWDB) (Commissioner Montoya)

COMMISSIONER MONTOYA: Thank you, Mr. Chair. In your packets, Commissioners, is information on the meetings that we've had with the North Central Economic Development District Board, which I represent Santa Fe County on, and if anyone wants to take my place on that you're welcome to do so. Also the Northern Area Local Workforce Development Board, comments and summary on that particular meeting. And the

last one which I actually wanted to highlight and bring to your attention was at the last North Central Regional Transit District meeting that we had we brought forth the memorandum of understanding to that board from the County of Santa Fe that was to essentially crystallize the formal agreements that we have had in place and the resolutions that we had in place between the transit district and the County of Santa Fe and the City of Santa Fe. That particular agreement unfortunately failed, in terms of the motion to approve it, so we're kind of in the state now of needing to determine what the next step is in terms of the ratification of that particular agreement. That essentially was the final component that was supposed to have been done even prior to the election. The voters were told that this was happening, that this agreement was going to be done and it got delayed and finally was brought up in December but again failed.

So the important thing now, and I'm glad Governor Mora is here, because we do need to involve the pueblos as part of the Santa Fe County planning process. They are part of the district as well. They contribute and I believe that we need to figure out what the needs are of the different pueblos that we serve as part of the connection services that are going to be happening throughout Santa Fe County and throughout the district. So I just wanted that to the Board's attention and we're working with Steve.

I guess probably the biggest disappointment that I had, Mr. Chair, members of the Commission, was staff just blatantly lying about the way the process occurred. That is what really distressed me the most in terms of the discussion that occurred. That's going to have to be overcome somehow, someday, but rest assured that we'll work on it and try to resolve it as best we can. That's all I have on that, Mr. Chair. I'll stand for any questions.

COMMISSIONER HOLIAN: Mr. Chair.

CHAIRMAN ANAYA: Commissioner Holian.

COMMISSIONER HOLIAN: Commissioner Montoya, what do you think that our next steps are now? As far as getting that memorandum of understanding past?

COMMISSIONER MONTOYA: What Councilor Rosemary Romero and I are working on is meeting again with the pueblos so that we involve them and engage them in this planning process. We believe that it's critical that they're a part of it, so engaging them is what we're looking at doing so that they become part of the RPA planning process. So that's what we're working on right now.

COMMISSIONER HOLIAN: And I noticed that in the minutes there was talk about a retreat to discuss these issues. Is that going forward?

COMMISSIONER MONTOYA: That is going forward. That's going to be happening on February 4th or – it's a Friday, February 6th. Thank you, Jack. It's going to be February 6th and it's going to be over here at the Los Alamos National Bank branch, the one right off here on Griffin.

COMMISSIONER STEFANICS: Mr. Chair and Commissioner Montoya, could you get me some of that information so I could perhaps attend?

COMMISSIONER MONTOYA: Absolutely. Be glad to have participation from other Board members as well.

CHAIRMAN ANAYA: Okay, Commissioner. Thanks for the summary.

X. D. Resolution No. 2009-6. A Resolution in Support of the Amending of the New Mexico Subdivision Act to Require Notice to Tribes (Commissioner Montoya)

COMMISSIONER MONTOYA: Thank you, Mr. Chair. This resolution is being introduced. It's actually legislation that is being introduced by the Indian Affairs Department. What this resolution is seeking is amending the Subdivision Act so that Native American tribes and pueblos are notified whenever there's going to be any sort of subdivisions, divisions, or any approval of preliminary plats and mergers and that sort of thing. So this essentially, Mr. Chair, members of the Commission, is asking that local governments notify pueblos or tribes of any pending development. We currently do this, our Land Use Department has been doing it for five, six years already, and what this is asking is that other counties as well that have Native American tribes or pueblos in their county jurisdiction do the same as what we're already practicing here in Santa Fe County. So I would move for approval of this resolution.

CHAIRMAN ANAYA: There's a motion by Commissioner Montoya.

COMMISSIONER HOLIAN: Second.

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

COMMISSIONER HOLIAN: I just wanted to ask a question.

CHAIRMAN ANAYA: Commissioner Holian.

COMMISSIONER HOLIAN: Commissioner Montoya, when we have a proposed subdivision, do we notify all the pueblos within Santa Fe County, or just the ones who might be affected by it?

COMMISSIONER MONTOYA: We're doing all of them, right? Just the ones affected.

COMMISSIONER HOLIAN: Thanks.

CHAIRMAN ANAYA: Any other questions?

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

X. E. Discussion and Possible Approval of Community Funds in the Amount of \$4,000 for Sheriff's Department Fleet Maintenance (Commissioner Anaya)

CHAIRMAN ANAYA: Move for approval.

COMMISSIONER MONTOYA: Second.

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

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

X. F. Resolution 2009-7. A Resolution to Support the Off Highway Vehicle Safety Board to Dedicate a Percentage of the Budget from OHV Registration Fees to Repair, Maintain and Close Existing Trails and to Provide User Education; and to Exert the Energy Required to Create Positive Change by Funding Enforcement Rangers Greatly Needed Through New Mexico for Public Land Safety and Protection (Commissioners Anaya and Holian)

CHAIRMAN ANAYA: I'll go ahead and call up Carol and Emily, if that's okay. And Carol, you can just kind of brief us on what this resolution is.

CAROL JOHNSON: I'm Carol Johnson and this is Emily Romero, and thank you, Chairman Anaya. This resolution addresses better management of off-road vehicle use in the forest and public lands, and of our natural resources and it urges more enforcement funding. The Forest Service supports this proposal. I have had meetings with them and it urges the state and the Forest Service to seek additional funding to maintain signage, to add law enforcement personnel, to increase funding for educational outreach to the public, and to seek additional funding to implement physical road and trail closures and maintenance, which will facilitate natural restoration of ecologically damaged roads and trails caused by excessive motorized use.

The resolution urges the state, which has a fund, to release monies from that fund to dedicate and to dedicate a percentage of their budget from OHV registration fees to repair, maintain and close existing roads and to provide education and to exert the energy required to create positive change by funding enforcement rangers, which are greatly needed throughout New Mexico, particularly with the new program where we're going to have maps with routes designated. So we need enforcement funding, education of the public on how to use the forest, and particularly on safety, because nationally, the numbers are huge of the number of children 16 and under. There's 40,000 in 2007 that were injured and taken to emergency rooms. Emily.

EMILY ROMERO: Thank you, Commissioners, for allowing us to speak today on behalf of this resolution. I'm Emily Romero. I work with the New Mexico Public Lands Action Network. We're based in Albuquerque. We are a member coalition, and one of our members has endorsed this resolution. They are the Back Country Horsemen of New Mexico, and I believe each of the Commissioners has a copy of their letter from the Pecos Chapter. We feel proud and actually very lucky to be working with this group. They work actively to maintain trails and they work also with motorized groups to create alliances.

We fully support this resolution and we'd like to say that this is a step in the right direction. Before this, last year, we supported a successful resolution in Bernalillo County, which is actually very similar, however, with more emphasis on state – on New Mexico as a state, as well as the County working with each other. Thank you very much.

CHAIRMAN ANAYA: Thank you very much. Do we have any questions, Commissioner Vigil?

COMMISSIONER VIGIL: Thank you. Thank you for bringing this forth and I really appreciate the community activism involved in this. We have a lot of restricted capability when it comes to really enforcing what off-roads vehicles do because we can only do it within our own boundaries. My question to you is the Bureau of Land Management and US Forest Service have just undergone a comprehensive planning process, and I believe that we currently have a planning document. I'm not even sure if it's in draft form. I'm not sure if they've gone out through public hearings with regard to this. Have you all engaged yourselves in that process at all? And if so, to what extent are you getting feedback from the Bureau of Land Management or US Forest Service? And maybe it's just one or the other, or both. I'm not sure. Perhaps you could shed more light on it.

MS. ROMERO: Yes. It's actually the Forest Service that's really involved in this. The BLM has not really gotten involved in their process yet. But the Forest Service has several months before they had actually come out with a plan they had come out with proposed action, and I've attended meetings in Glorieta, in Pecos, throughout Santa Fe County. The one in Santa Fe County, in town. And the Forest Service, I've been in meetings with them recently because the state is considering revising their law to really increase funding for enforcement. And the state involved Ruth Doyle from the southwest regional office who reports to Corbin Newman who is the head of the Arizona and New Mexico Forests. And she is very supportive of this proposal. They need the funding. The Forest Service has, as you probably know, very little budget. In fact their budget for 2009 is down eight percent from the prior year. The staffing is down probably 20 percent of what it was ten years ago.

COMMISSIONER VIGIL: Okay. How was the New Mexico Off-Road Safety Board fit into the governance of the US Forest Service?

MS. ROMERO: They have a grants program and in many states this similar grants program is used to fund Forest Service enforcement officers which are trained by the Forest Service. It would depend on how the Forest Service approached it, but again, the Forest Service is very pro getting some of these grants; they need the money.

COMMISSIONER VIGIL: This resolution is going directly to the state and the federal government both? Are we enacting it for it to go directly to the state for any changes that they're looking at through the legislative process now?

MS. ROMERO: Yes.

COMMISSIONER VIGIL: And also the federal government?

MS. ROMERO: Yes. Also the Forest Service. And the timing right now, we have a momentum within the state because there are a lot of meetings and some senators in the state are probably preparing a bill to be voted on in this session.

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

CHAIRMAN ANAYA: Thank you, Commissioner. Commissioner Holian.

COMMISSIONER HOLIAN: I don't have any questions. I have a comment.

CHAIRMAN ANAYA: Okay. Go ahead.

COMMISSIONER HOLIAN: I would just like to say thank you to Carol and to Emily for bringing this forward. I think it's really a great thing. I know that many OHV operators are responsible but some are not, and the very nature of OHVs, their power, their speed means that any actions that irresponsible owners do are outsized compared to other activities in the backcountry. And so I think that we really do need to develop a method to promote maximum responsible OHV use in our backcountry. I think that education is key. That's where you get the most bang for your buck for sure. Head off the problem at the pass. And I think enforcement is also key, and I know that what the Forest Service has done with the backcountry travel management plan is a good start but I know that they have zero resources really for enforcement. So that we have to do that.

And also I think another real key is also repairing damage that's already been done in the backcountry on sensitive trails and sensitive riparian areas and so on. So I think that it's important to have a funding mechanism to cover that as well. And I think that this resolution of course benefits all New Mexicans but I think it also benefits the OHV owners themselves because it reduces conflict, conflict that they are now having with other backcountry recreational users as well as people who use the backcountry for part of their living, like ranchers. And so again, I think this is a great thing. Thank you.

CHAIRMAN ANAYA: Thank you, Commissioner Holian. Okay. Thank you both for being here and presenting that. Is there a motion?

COMMISSIONER VIGIL: So moved.

COMMISSIONER HOLIAN: Second.

CHAIRMAN ANAYA: Motion and second. Any further discussion?

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

X. G. Resolution No. 2009-8. A Resolution in Support of Sensible Reform of the 1872 Mining Law; (Commissioners Vigil and Montoya)

COMMISSIONER VIGIL: Thank you, Mr. Chair. I'm really – is John Cornell here? Would you please come to the podium just in case, Mr. Cornell, there's any questions. I'm really happy and glad, honored actually, to sponsor this resolution. We just came through an arduous planning process on oil and gas. I think this allows us the opportunity to sort of stay ahead of the curve with regard to planning and making environmental statements as mining may come forth to Santa Fe County, although I understand our current ordinances do create some limitations with that. Whether they do or don't they are dynamic and they continue to change. So my support for this is to include reform measures in the 1872 Mining Law – that's how old it originally is, that really would protect our watersheds, that would protect our environment, our wildlife, our human health and address all of the environmental issues that I think we were quite astute in addressing in our oil and gas ordinance.

I think the resolution speaks for itself and Mr. Cornell, if you would like to add anything

I would just defer to you on this right now.

JOHN CORNELL: Mr. Chair, Commissioners, thank you. Again, my name is John Cornell with the New Mexico Wildlife Federation. We're a 7,000 member sportsman and sportswomen group here in New Mexico. We were founded in 1914 by Aldo Leopold. The importance of reforming this 136-year old law is that it will bring this 19th century law up to 21st century standards. We need to protect public lands that are vital for the economic health and well being of western communities. These public lands that surround our communities including Santa Fe are extremely important, as you all probably know, to the economic well being and health well being of the citizens of the county.

We need to balance out the multiple uses. We're multiple use advocates. We're certainly not anti-mining. The existing law gives mining priority status. We want to balance it out. All uses are equally important, whether it's cattle grazing, whether it's hard-rock mining, whether it's bird watching, whether it's hunting, whether it's fishing. And we want to balance that out. The existing law does not have balance. It gives priority to hard-rock mining.

And we also – extremely important, that we have to be good stewards of our public lands. We only get one shot at doing this, so we have to protect wildlife habitat. We have to protect groundwater and surface water, not only for our generation, for future generations. And my reforming this law we can accomplish that. And that's the main reason. It's extremely important. This resolution helps send a message to our congressional delegates that we need reform and we need it this year. We were close last year. We're very, very close to accomplishing it this year. We expect a couple of representatives to introduce bills early in this session and we expect two senators to introduce bills, including our own Senator Bingaman. So he supports it. Governor Richardson supports it. There are many other counties and municipalities in New Mexico that support it and we would appreciate the support of Santa Fe County.

COMMISSIONER STEFANICS: Mr. Chair.

CHAIRMAN ANAYA: Commissioner Stefanics and then Commissioner Montoya.

COMMISSIONER STEFANICS: Mr. Chair, I have a question. When we pass this resolution would we then be forwarding it to our congressional delegation and to our state legislature? Or I would hope that we would do something public with this message.

MR. CORNELL: We can certainly do that. I will immediately forward it to the offices of our three representatives and to our two senators. We can include any of the state legislators that would be important. We can certainly do that. It's more of a national issue right now. The state has its own requirements and guidelines for mining. We have very good requirements and environmental statutes and the state is actually much better because of existing federal law. So our state lands are better protected than our federal lands. So it's more of a national issue on federal public lands.

COMMISSIONER STEFANICS: Well, Mr. Chair, not only would I want to send it to our federal representatives but also to our state, because as you know, they do listen to the counties here in the state since we work closely together with our state legislators, and we

just need to reinforce our concern about mining. Thank you.

CHAIRMAN ANAYA: Good point, Commissioner. Commissioner Montoya.

COMMISSIONER MONTOYA: Thank you, Mr. Chair. As the co-sponsor of this resolution also, Mr. Chair, I just wanted to add that this does also protect Native American sacred places – waterways –

MR. CORNELL: Scenic areas, wilderness areas, any national monuments and parks. Absolutely.

COMMISSIONER MONTOYA: And as we well know in this state where water is sacred, this certainly takes a real good look at protecting our water resources. And with that I would move for approval.

COMMISSIONER VIGIL: Second.

CHAIRMAN ANAYA: There's a motion by Commissioner Montoya, seconded by Commissioner Vigil. Any further discussion?

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

X. H. Resolution 2009-9. A Resolution Supporting the United States Census Bureau by Creating a Census 2010 “Complete Count Committee” to Provide the County with Assistance and Advice in Obtaining the Most Accurate and Complete Population Count in the Upcoming Decennial Census (Commissioner Vigil)

COMMISSIONER VIGIL: Thank you, Mr. Chair. Very simply put, because we have had this presentation at our special meeting. Pauline Nunez with the US Census Bureau was actually the one who gave the presentation and at that time I had stated that we would be coming forth with a resolution that would create the Census Bureau Committee. The purpose of this committee as you know is specifically to assist the US Census for accurate and complete counting of the citizens of Santa Fe County. I'm not too sure how much the US Census Bureau engaged the local government for the 2000 census but they are making sure that local government is in an active role for the 2010 census. With that, Mr. Chair, and after our presentation I think we had a good foundation for recognizing how important it is to adopt and appoint – adopt this resolution and make the appointments that will assist the Census Bureau in an advisory capacity with regard to how they can actually get accurate and complete accounting. And the appointments, I believe – do you all have a copy of them on your desks? I think Rita Maes has been working on this quite diligently and very much engaged with the US Census Bureau, has spoken to all of you with regard to the appointments. And I think as I look them over, Hutch Miller, Deacon Anthony Trujillo, Connie Salazar, Robert Oldkawski, Patsy Romero. At-large appointments of Mariano Tixier and David Harwell. I think we have a really good broad spectrum of representation of our community who might be able to really help the US Census Bureau in creating a focus for this accurate count. With that, Mr. Chair, I move that

we approve the resolution and the appointees to the committee.

CHAIRMAN ANAYA: There's a motion by Commissioner Vigil.

COMMISSIONER HOLIAN: Second.

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

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

X. STAFF AND ELECTED OFFICIALS' ITEMS

B. Community Services Department

- 1. Request Approval to Amend the Fire Department's Volunteer Incentive Program Resolution 2007-159 to Increase Amounts From \$6.00 to \$10.00 for a Response to an Emergency 911 Call and From \$2.00 to \$4.00 for Approved Training (Community Services Department) [Exhibit 2]**

STAN HOLDEN (Fire Chief): Thank you, Mr. Chair, members of the Commission. We come before you again with this item which was originally heard back in October of 2008. And we're asking for permission to proceed with the Commission adoption of a resolution amending the resolution 2007-158, which is the Volunteer Recruitment and Retention Incentive program. As you know, Mr. Chair and members of the Commission, the County Fire Department depends highly upon the volunteer forces in order to deliver services to the citizens and meet our mission. There's no other department in the County that is so dependent upon the volunteer workforce than the Santa Fe County Fire Department. An overwhelming majority of the personnel that serve as firefighters and EMTs are in fact volunteers. This resolution that you have before you is an attempt to correct some of the issues that have arisen with the original 2007-159 resolution and they help clear up some specific language to make sure that there's no confusion between the employee/employer relationship between Santa Fe County and the volunteer.

This resolution makes it clear, as does the Department of Labor bright light ruling paper that these volunteers may receive up to 20 percent of what we would pay a paid firefighter in a similar capacity who works for the Fire Department and still not be considered an employee. That's a critical distinction because it helps clear up that language and because the action that we're requesting today is budget-neutral. We're not asking to increase any budget. We're simply asking to clean up some of the language and allow us to pay the volunteers \$10 per call and \$4 per training instead of \$6 per call and \$2 per training.

And Mr. Chair, as you can see, there are a number of people in the audience. Some who may be interested in addressing you, but I would certainly be happy to stand for any questions of the Commission at this point.

CHAIRMAN ANAYA: Commissioner Vigil.

COMMISSIONER VIGIL: Thank you. Thank you, Stan and thank you for bringing this forward. I think we have really already heard this. I think the only thing that we were concerned about at the time and knew it would be coming back was whether or not it would be feasible within our budget. So with that, I'd like to hear from Roman and his recommendation. I just want to thank all the firefighters for being here and recognize the hard work that they do and I think Roman has been working very closely and does have a recommendation. I think we're ready to move forward. Roman.

MR. ABEYTA: Thank you, Mr. Chair, Commissioner Vigil. Both Chief Holden and Teresa Martinez, our Finance Director, were working this morning to just make sure that we can cover this within our budget and I was told afterwards that we will be able to support this. So I'm recommending approval of it.

COMMISSIONER VIGIL: With that, Mr. Chair, I move we approve.

CHAIRMAN ANAYA: There's a motion by Commissioner Vigil.

COMMISSIONER MONTOYA: Second.

CHAIRMAN ANAYA: Second by Commissioner Montoya. Commissioner Montoya, discussion.

COMMISSIONER MONTOYA: Do we know what budget impact it may have?

MR. ABEYTA: I'll call up the Finance Director to give us a – I'm sure we have an annual amount.

TERESA MARTINEZ (Finance Director): Mr. Chair, Commissioner Montoya, we looked at the last calendar year and it came to \$131,000, was about what we paid with regard to the \$6 and \$2 rates that we currently have in place. And the budget for it is \$250,000.

COMMISSIONER MONTOYA: Okay. So it's within the budget then?

MS. MARTINEZ: It's well within the budget at this time.

COMMISSIONER MONTOYA: Oh. Thank you. I didn't have that information last time. It makes it a lot easier. Thank you, Mr. Chair.

CHAIRMAN ANAYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: Mr. Chair and Commissioners, I just want to indicate that since this is within the budget and it's budget-neutral, it's an invaluable service and I think that we need to recognize what our volunteers do for the entire county. Thank you.

CHAIRMAN ANAYA: Thank you, Commissioner Stefanics. Any further discussion? And I would also like to thank the volunteers for their hard work. I've said it many times, I was a volunteer in the Village of Galisteo, and my sister Jeannie Moya – Jeannie, thanks for being here – she's – are you still a chief? Still the chief of Galisteo. Her son is here. I saw him earlier. Brian Moya with Mandolin. His son, maybe he'll come back in, and I know Melissa is going to be – Melissa is Brian's wife and we're just one big family, I tell you.

COMMISSIONER VIGIL: And Mr. Chair, if you turn enough rocks, I'm probably related to one of the firefighters.

CHAIRMAN ANAYA: Anyway, there's a motion and a second.

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

XIII. B. 3. Presentation and Recognition of 2008 Fire Cadet Academy Graduates (Community Services Department)

CHIEF HOLDEN: Mr. Chair, members of the Commission, thank you. This is a proud moment today that we can present these individuals to the Commission and to the public. This is a continuation of our Project 48. Project 48 as you'll recall is the project that developed from the passage of the countywide quarter percent fire tax in which we pledged to the public that we would hire an additional 48. What you see before us here is a total now of 32 of that 48 and I'd like to ask these individuals to come forward if they would.

CHAIRMAN ANAYA: Come forward, guys, gals. How many, Stan?

CHIEF HOLDEN: Mr. Chair, if I could, would you like to read the names or would like me to?

CHAIRMAN ANAYA: No, you go ahead. Stan, what do you plan on doing? Read the names?

CHIEF HOLDEN: I'd like to introduce them then I'd like to get a picture with them.

CHAIRMAN ANAYA: What we can do is as you call the name we'll come down here and that way we can shake their hand right away. That good?

CHIEF HOLDEN: That sounds good. They're not lined up in any particular order. The graduates are: Firefighter William Graves, Firefighter Pedro Nandino, Firefighter Joshua Boies – Commissioner, I point out that this is an ex-Dallas Cowboy football player. I thought that might get one or two appreciative claps. At least from the County Manager. Firefighter Rebel Paulk – he is an ex-basketball player from Texas, TCU. We won't hold it against him though since he's moved to New Mexico now. Firefighter Kris Karlin, Firefighter Michael Taradash, Firefighter Eric Anderson, Firefighter John Arnold, Firefighter Katherine Field, Firefighter Ryan Martinez, Firefighter Patrick Trujillo, Firefighter Jeremiah Sandoval, Firefighter Frank Gallegos, Firefighter Nicolas Romero, Firefighter Robert Gabaldon, and Firefighter Melissa Moya.

Mr. Chair, I'd like to take the opportunity to point out, although we're recognizing these firefighters and their accomplishment how it takes a team effort by the entire county to make this happen. People from the Finance Department, from the County Manager's office, from the Human Resources Department, all of these different departments having to work closely together in order to bring these types of fire academies to fruition, and we appreciate those individuals from those departments and their efforts as well.

CHAIRMAN ANAYA: Thank you all very much for coming, chiefs and I know there's a lot of people from different districts here. Thank you very much.

XI. APPOINTMENTS/REAPPOINTMENTS/RESIGNATIONS

A. Appointments to Santa Fe County Fair Board; Natalie Baca, Beth Gray, Kareen Reyer, Darin Price, Gary Runer, Tom Spindle and Shawn Thompson (Community Services Department)

MR. ABEYTA: Mr. Chair, staff recommends appointment of Natalie Baca, Beth Gray, Kareen Reyer, Darin Price, Gary Runer, Tom Spindle, and Shawn Thompson.

CHAIRMAN ANAYA: Is there a motion?

COMMISSIONER HOLIAN: So moved.

COMMISSIONER MONTOYA: Second.

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

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

XI. B. Appointment to Health Policy & Planning Commission; Rick Adesso (District 2) and John Cassidy (Community Health Centers) (Community Services Department)

MR. ABEYTA: Mr. Chair, staff recommends appointment of John Cassidy at this time, Mr. Chair.

CHAIRMAN ANAYA: Is there a motion?

COMMISSIONER STEFANICS: I move.

CHAIRMAN ANAYA: Motion by Commissioner Stefanics.

COMMISSIONER HOLIAN: Second.

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

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

XI. C. Resignation From Health Policy & Planning Commission, Glenn Wieringa (Community Services Department)

MR. ABEYTA: Mr. Chair, staff recommends that the Commission accept the resignation of Glenn Wieringa, and staff will be sure to give him our thanks for serving on this committee for us.

CHAIRMAN ANAYA: Yes. Thank you very much, Glenn, if you're out there

listening. Is there a motion?

COMMISSIONER HOLIAN: So moved.

CHAIRMAN ANAYA: Motion by Commissioner Holian.

COMMISSIONER MONTOYA: Reluctantly second.

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

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

CHAIRMAN ANAYA: I'd like to recognize Commissioner Oscar Vasquez Butler from Doña Ana County. He is the past president of the Association of Counties. Commissioner, thanks for joining us. Thank you for being here.

XI. D. Appointment to DWI Planning Council, Jon Paul Romero (Community Services Department)

MR. ABEYTA: Staff recommends the appointment of Jon Paul Romero.

COMMISSIONER MONTOYA: So moved.

CHAIRMAN ANAYA: Moved by Commissioner Montoya.

COMMISSIONER STEFANICS: I'll second.

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

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

XI. E. Re-Appointment to DWI Planning Council, Marti Rodriguez (Community Services Department)

MR. ABEYTA: Staff is recommending reappointment of Marti Rodriguez.

CHAIRMAN ANAYA: Is there a motion?

COMMISSIONER STEFANICS: I'll so move.

CHAIRMAN ANAYA: Motion by Commissioner Stefanics. Second by Chairman Anaya. Any further discussion?

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

XI. F. Appointments and Re-appointments to the Santa Fe County Corrections Advisory Committee

MR. ABEYTA: Mr. Chair, staff is recommending the reappointment of Dr. Susan Cave, who will represent the mental health community; new appointment of Ben Bauer, who will represent the public defenders office; appointment of Charlie Baldonado who will represent the district attorney’s office, and Richard Demella, who is the juvenile justice senior planner for the City of Santa Fe will represent the City of Santa Fe. The staff memo had stated Councilor Carmichael Dominguez, however, we have had a discussion with the Councilor and the City Manager and they felt it would be better if Richard Demella be staff member for the juvenile justice section of the City to serve on the jail advisor committee instead of Councilor Carmichael Dominguez.

CHAIRMAN ANAYA: Is there a motion?

COMMISSIONER HOLIAN: So moved.

COMMISSIONER MONTOYA: Second.

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

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

XI. G. Appointments to the County Open Land and Trails Planning and Advisory Committee (COLTPAC) (Community Services Department)

MR. ABEYTA: Mr. Chair, I will allow staff to present this because I believe there are more individuals interested in these appointments than positions available. So I’ll turn it over to staff.

COLLEEN BAKER (Program Manager, Open Space and Trails): Mr. Chair and Commissioners, thank you for the chance to be up here this morning. We did have two openings for the south part of the county that we are seeking to fill, and then also an alternate position for our County Open Land and Trails Planning Advisory Committee. We received two applicants for the south county, Mr. Sam Pallin and Ms. Lou Ann Hunt. Staff recommends appointment of those two individuals for the south members of the county.

We also have an alternate position open and all of the applicants that applied for the positions both in December and in the current positions for the south are eligible. The ones that were not appointed to the committee are eligible for that position. We have approximately 30 individuals that applied for the positions and could be appointed. Those are in your packet. Staff went through those applications and we selected two individuals that we feel had just outstanding experience and expertise related to the Open Space and Trails program. Those two individuals are Joe Sovick, and he’s in the central part of the county, and

Judy McGowan who's also in the city.

CHAIRMAN ANAYA: Okay. Any questions of Colleen? So does this Board want to go with her recommendations?

COMMISSIONER HOLIAN: Yes, except we need to make a decision between –

MS. BAKER: We need to select one of those individuals. If those two are acceptable to you we still need to select one of those.

COMMISSIONER STEFANICS: I'm sorry. I didn't hear the first two, before Judy.

MS. BAKER: The first two, for the south part of the county are Mr. Sam Pallin and Ms. Lou Ann K. Hunt.

COMMISSIONER STEFANICS: No, I understood that. The alternates?

MS. BAKER: Oh, I'm sorry. The two that staff recommended are Joe Sovick and Judy McGowan.

COMMISSIONER STEFANICS: Okay. Got it. Thank you. I'm still a little confused, Mr. Chair. So we need to choose one of those two for the alternates.

MS. BAKER: For the alternate position.

CHAIRMAN ANAYA: I'm still trying to find my papers.

COMMISSIONER MONTOYA: It's page 3,700.

CHAIRMAN ANAYA: This has got to be the biggest packet I've ever seen.

COMMISSIONER STEFANICS: I thought that was normal. Well, Mr. Chair, on size of the packet, I have to mention I took home the book and that packet thinking we had both of them to read, not realizing they were the same thing.

COMMISSIONER MONTOYA: Mr. Chair, I'll make a motion that we accept the two individuals, Sam Pallin and Lou Ann Hunt, and pick Joe Sovick.

CHAIRMAN ANAYA: There's a motion. Is there a second? Okay, so –

COMMISSIONER HOLIAN: Mr. Chair, I would like to make a motion too.

CHAIRMAN ANAYA: Okay, so Commissioner Montoya, now I found the page. What was your recommendation?

COMMISSIONER MONTOYA: The two that staff identified, Sam Pallin and Lou Ann Hunt.

CHAIRMAN ANAYA: Are you in the north, central, south?

COMMISSIONER STEFANICS: South.

CHAIRMAN ANAYA: Okay. You're in the south. So do we need to pick two of them? Okay. So we can take care of that right away?

COMMISSIONER STEFANICS: Can we separate – Mr. Chair, I would request that Commissioner Montoya separate the motion, the south and the alternate.

COMMISSIONER MONTOYA: Okay. I'll just go with the south recommendation.

CHAIRMAN ANAYA: Okay, so there's a motion to keep Sam and Lou in the south. Is there a second?

COMMISSIONER HOLIAN: Second.

CHAIRMAN ANAYA: Second by Commissioner Holian.

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

CHAIRMAN ANAYA: Okay, what are we in now?

MS. BAKER: We have alternate position and we have approximately 30 applicants. Staff recommended Joe Sovick and Judy McGowan as the two we felt were well qualified for that.

CHAIRMAN ANAYA: They're alternates for the south?

MS. BAKER: No, they're alternates for the entire committee.

CHAIRMAN ANAYA: Okay. So do we have to pick one of those?

MS. BAKER: You have to pick one.

CHAIRMAN ANAYA: What's the pleasure?

COMMISSIONER HOLIAN: Mr. Chair, I would like to move for nominating Judy McGowan for the alternate.

COMMISSIONER STEFANICS: Second.

CHAIRMAN ANAYA: There's a motion and a second for Judy McGowan. Any further discussion?

COMMISSIONER HOLIAN: I'd just like to add that she has a really wide breadth of experience throughout the entire County and besides which she's retired, so she needs something to do.

CHAIRMAN ANAYA: She needs something to do. Okay, we'll give her something to do.

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

COMMISSIONER STEFANICS: And Mr. Chair, if anything happens to another person the second alternate is very qualified so hopefully we could fit that person in somehow.

COMMISSIONER HOLIAN: Mr. Chair, can I make a comment?

CHAIRMAN ANAYA: Commissioner Holian.

COMMISSIONER HOLIAN: I'd just like to say how impressed I was by all 31 applicants. I think we are so blessed in this county that we have such a depth of knowledge and expertise here and it was hard choosing really, looking through all those incredible résumés. So I'm really pleased that we have that available to us here. Thank you.

CHAIRMAN ANAYA: Thank you.

XI. H. Certificate Presentation to Members of the County Open Land and Trails Planning and Advisory Committee (COLTPAC) Who Have Completed Their Term of Service with the Committee (Community Services Department)

MS. BAKER: Item H, we had for presentations of certificates to the members who are completing their terms. We had intended to pull that item. That was a staff error. We would like to do that at the next presentation meeting.

CHAIRMAN ANAYA: That would be great. Thank you, Colleen.

MS. BAKER: Thank you, Mr. Chair and Commissioners.

XI. I. Resignation of Arts, Culture and Entertainment Task Force Member, Beverly Garcia (Growth Management Department)

MR. ABEYTA: Staff would recommend that the Commission accept this resignation, and again, we will give our appreciation to Beverly Garcia for sitting on this committee.

CHAIRMAN ANAYA: Is there a motion?

COMMISSIONER HOLIAN: So moved.

CHAIRMAN ANAYA: There's a motion by Commissioner Holian. Second by Commissioner Anaya.

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN ANAYA: Commissioner Montoya.

COMMISSIONER MONTOYA: I'm just curious. That's probably one of the most short-lived tenures of any of our appointments. What happened that she resigned?

MR. ABEYTA: Mr. Chair, Commissioner Montoya, I'm not sure but I'll find out and get back to you on it.

COMMISSIONER MONTOYA: Okay.

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

XI. J. Appointment of Arts, Culture and Entertainment Task Force Member, José Varela López (Growth Management Department)

MR. ABEYTA: Staff is recommending appointment of Jose Varela Lopez to the task force and he would replace Beverly Garcia.

COMMISSIONER MONTOYA: So moved.

CHAIRMAN ANAYA: Moved by Commissioner Montoya.

COMMISSIONER HOLIAN: Second.
CHAIRMAN ANAYA: Second by Commissioner Holian.

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

XI. K. Appointment and/Or Reappointment of Members to the County Development Review Committee (CDRC) (Growth Management Department)

MR. ABEYTA: Mr. Chair, I would call on Shelley Cobau to make this presentation.

SHELLEY COBAU (Building & Development Services Manager): Thank you, Roman, members of the Commission. In your packet you have a staff report regarding the appointment and reappointment of CDRC members. We have seven members of the CDRC. We have one member, Mr. J.J. Gonzales whose term expired on December 31st. Staff is recommending the reappointment of Mr. J.J. Gonzales, but also in front of the Commission are three other individuals who would like to be considered for that position on the CDRC.

CHAIRMAN ANAYA: So you just need one name out of the three?

MS. COBAU: Mr. Chair, that's correct. And we are recommending reappointment of J.J. Gonzales.

CHAIRMAN ANAYA: Yes, I think J.J. had done a wonderful job and I'd like to move to reappoint him. So I'll make that motion. Is there a second?

COMMISSIONER HOLIAN: And I would like to second and say that I worked with J.J. for many years and he's great.

COMMISSIONER MONTOYA: I'll third that.

CHAIRMAN ANAYA: Any further discussion?

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

XI. L. Appointment of Members of the CDRC to the Extraterritorial Land Use Commission (ELUC) (Growth Management Department)

MS. COBAU: Mr. Chair, I'm taking this item as well. The recently formed Extraterritorial Land Use Commission consists of ten committee members, five City Councilors and five members of the County's Planning Commission, which is the CDRC. I contacted the CDRC members and there are six members of the CDRC who are willing to serve on the ELUC. Those six members are bolded in your staff report and they are Susan

Martin, Jim Salazar, J.J. Gonzales, Don Dayton, Charlie Gonzales and Jon Paul Romero.

So staff would like the BCC to select five of those six members and then appoint the two remaining members of the CDRC to act as alternates.

CHAIRMAN ANAYA: Say staff's recommendation again.

MS. COBAU: We need you to pick, Mr. Chair, five of the six CDRC members that are interested in serving on the ELUC. They are Susan Martin, Jim Salazar, J.J. Gonzales, Don Dayton, Charlie Gonzales and Jon Paul Romero. And then one of the members who's interested in serving can act as an alternate and the other member of the CDRC, Maria DeAnda would also act as an alternate.

CHAIRMAN ANAYA: Okay, any questions? Any motions?

COMMISSIONER STEFANICS: I'll so move the recommendation of the staff.

MS. COBAU: We need to pick – we have six and we need to pick five.

COMMISSIONER HOLIAN: Mr. Chair, Shelley, did you have any idea whether there were five people who particularly wanted to serve? Do you have any feeling on that?

MS. COBAU: If the Commission would like a staff recommendation, I would suggest Jim Salazar, J.J. Gonzales, Don Dayton, Charlie Gonzales and Jon Paul Romero, who have been long-serving members of the CDRC.

COMMISSIONER STEFANICS: Mr. Chair, I'll so move per staff recommendation.

COMMISSIONER MONTOYA: Second.

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

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

XI. M. Appointment and/Or Reappointment and Discussion Regarding Development Review Committee (DRC) Members Agua Fria Development Review Committee (AFDRC), Community College Development Review Committee (CCDRC), Tesuque Development Review Committee (TDRC), Pojoaque Valley Development Review Committee (PVDRC) and La Cienega Development Review Committee (LCDRC) (Growth Management Department)

MS. COBAU: Mr. Chair, this is a little more complex issue so I'll go ahead and read the staff report and I'll try to be quick. The terms of numerous members of the DRCs expired on December 31, 2008. Staff subsequently notified each member in November of 2008 and requested them to write a written letter of interest in continuing to serve on a DRC. The members with expired terms and their individual responses are as follows.

On the AFDRC, we had a seven-member committee. We had member Henry Chavez, who is seeking reappointment. We also contacted the other three members whose terms were expired and received no response. That is Lucy Chavez Ortiz, Ben Hernandez and Hazel Romero.

On the CCDRC, which is a five-member committee, the chairman of that committee, Robert Garcia resigned. His resignation letter is included in your packet. R. Thomas Berner is seeking reappointment.

The Pojoaque Valley Development Review Committee is a five-member committee that has a full membership recently formed. No appointments required.

The La Cienega Development Review Committee is currently a seven-member committee. I got no response from Robert Romero whose term had expired and I got a letter requesting reappointment from the chairman of that committee, Ivan Trujillo.

The TDRC is a five-member committee. Cheryl Jamison resigned. Her resignation letter is included in your packet. Cathie Sullivan submitted a letter of resignation but subsequently submitted a letter requesting reappointment, and I'll get into the reasoning on that.

Anyway, members who have expressed their interest in reappointment provided letters and résumés for consideration in the packet as Exhibit A. Resigning members have also provided letters and those are in Exhibit B.

In an effort to increase public participation with respect to serving on a development review committee two press releases were issued, on November 13th and again on November 19, 2008 asking for response from the general public on or before December 28, 2008. Three responses we received from individuals interested in serving on TDRC. None were received for other DRCs. Local development review committee membership and vacancies are as follows: The AFDRC, as I stated is a seven-member committee with four members having expired terms and a single member seeking reappointment, leaving only four members if Mr. Chavez is reappointed at this time by the BCC.

The CCDRC is a five-member committee with two members having expired terms. One member is seeking reappointment and one resigned, leaving only four members if Mr. Berner is reappointed. And there were no people interested, no new applicants for the CCDRC.

The TDRC is a five-member committee with two members resigning. One of the resigning members is seeking reappointment subsequent to submitting a resignation letter, and three individuals are applying for membership, leaving the required five members, if two appointments are made. Applicants to the TDRC are Greg Smith, John Nye, Stephen Schoninger, Sue Barnum and Cathie Sullivan who is the member who resigned and is seeking reappointment.

LCDRC is a seven-member committee with two members having expired terms. One member is seeking reappointment leaving six members if Mr. Trujillo is reappointed at this time by the BCC. Applicants for the LCDRC, only Mr. Trujillo.

PVDRC, as I stated is a five-member committee we don't really need to talk about.

The membership is full and they're serving their two-year terms which just started in August.

The staff recommendation consists of three alternatives. Because membership on the development review committees has historically been difficult to maintain, with interest in serving and attendance at public hearings being problematic in numerous instances. For example, recently an application that was pending on a DRC agenda took five months before the community could gather a quorum. Additionally, one member submitted a resignation letter in December and in early January requested reappointment in order to address a driveway issue in the neighborhood.

There is no provision in the Land Development Code for cases to be advanced to the BCC if the DRC cannot render a decision or recommendation and cases are often repeatedly tabled. This being the case, staff recommends that the BCC consider the following alternatives to ensure due process for our land use applications that require public hearing and decision or recommendation by a DRC.

Alternative 1: Amend the Land Development Code or issue an administrative order to provide for land use cases normally heard by any DRC, and that would include AFDRC, CCDRC, LCDRC, PVDRC, TDRC, are heard by the County Development Review Committee, the CDRC/Planning Commission, until such time as the growth management element and the new Code are adopted. This is the preferred alternative of the Land Use Administrator and Planning and Development Services staff. The Land Use Administrator believes that local interests can be adequately protected and represented by the CDRC as each area has an ordinance and a plan that has been adopted by the BCC, and further believes the CDRC can make an objective recommendation or decision based upon the Land Development Code. This alternative will provide a transition to new policies and procedures that are upcoming in the coming months.

Alternative 2: Amend the Land Development Code or issue an administrative order to reduce the LCDRC to a five-member committee and retain the LCDRC and PVDRC as functioning DRCs, reappoint Mr. Henry Chavez for a two-year term on AFDRC, reappoint Mr. R. Thomas Berner for a two-year term on the CCDRC, appoint two individuals out of Greg Smith, John Nye, Stephen Schoninger, Sue Barnum or Cathie Sullivan to the TDRC. All cases in La Cienega, Tesuque and Pojoaque would be heard by the respective DRCs subsequent to these appointments and remainder of the cases in the areas without a fully staffed committee, which would be the AFCRC and CCDRC would be advanced to the CDRC until such time that enough individuals seek appointment to these committees to bring the membership to the minimum of five members are required by the Code until new policies and procedures are adopted.

Alternative 3 is very similar to Alternative 2. Reappoint Mr. Henry Chavez for a two-year term on the AFDRC, reappoint Mr. Ivan Trujillo for a two-year term on the LCDRDC, and reappoint R. Thomas Berner for a two-year term on the CCDRC. Appoint two individuals of those seeking appointment to the TDRC. All cases in La Cienega, Tesuque and Pojoaque would be heard by the respective DRCs. Amend the Land Development Code or issue an administrative order providing that the remainder of cases in areas without a fully

staffed committee – AFDRC, CCDRC – would be advanced to the CDRC until such time that enough individuals seeking appointment to these committees to bring membership to a minimum of five members.

The difference between Alternative 2 and Alternative 3 is the La Cienega Development Review Committee, which is currently a seven-member committee. Alternative 2 would reduce that to a five-member committee; Alternative 3 would preserve the seven-member committee, and that's the different between those two alternatives. And I'll stand for questions, Mr. Chair.

CHAIRMAN ANAYA: Shelley, thank you. You sure confused me.

MS. COBAU: I'm sorry.

CHAIRMAN ANAYA: So it looks like you want us to say – or we have three alternatives – 1, 2, and 3. We need to just pick one.

MS. COBAU: We're recommending Alternative 1, which would take all the cases to the Planning Commission rather than going to the development review committees. The development review committees may serve another function as the growth management element proceeds, as those areas are redefined and their roles are redefined. But at this time, due to the difficulties in maintaining membership on these committees we would recommend that all cases be remanded to the CDRC.

CHAIRMAN ANAYA: Okay. Any questions? Commissioner Stefanics.

COMMISSIONER STEFANICS: Mr. Chair, I have a question. I like to support staff recommendations but I'm concerned on Alternative 1 that the communities might have an issue with this. Have you discussed this with the different communities?

MS. COBAU: Mr. Chair, Commissioner Stefanics, this was just noticed as normally it would occur with this agenda, so the committees were not – staff did not go in and hold neighborhood meetings in each community.

COMMISSIONER STEFANICS: Mr. Chair, were the communities aware of your recommendation coming forward? Like you provided it to their committees?

MS. COBAU: Mr. Chair, Commissioner Stefanics, it was not made available to their committees because they're committees were not – we don't have a meeting unless there is an item on their agenda. So for example the Tesuque Development Review Committee hasn't met in well over a year. So we haven't had a meeting with the Tesuque Development Review Committee or any of the other development review committees recently to be able to discuss this with them.

COMMISSIONER STEFANICS: Thank you, Mr. Chair.

CHAIRMAN ANAYA: Okay. Commissioner Holian.

COMMISSIONER HOLIAN: I just want to make a motion.

CHAIRMAN ANAYA: Go ahead.

COMMISSIONER HOLIAN: Mr. Chair, I would like to make a motion to accept staff's recommendation, Alternative 1. When I was on the CDRC I became very aware of the problems on the other LDRCs and mostly having to do with quorums. I think that the CDRC is objective and it's experienced, and they make good recommendations. In any event,

we're having this new growth management element, as well as the rewrite of the Land Use Code, so I know that the role of the Planning Commission or the CDRC, whatever we're calling it is going to change. The role of the LDRCs has to be revisited, I think, to make it more effective and so with that, I move for Alternative 1.

CHAIRMAN ANAYA: There's a motion by Commissioner Holian. Is there a second?

COMMISSIONER MONTOYA: Second by Commissioner Montoya.

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

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

MS. COBAU: Thank you very much.

XI. N. Appointments to Census 2010 Complete Count Committee (Commissioner Vigil)

COMMISSIONER STEFANICS: Did we do the appointments?

CHAIRMAN ANAYA: I think we did that.

MR. ABEYTA: Mr. Chair, yes. We made that appointment during the resolution that created the committee. [See pages 15-16.]

XII. CONSENT CALENDAR

A. Budget Adjustments

- 1. Resolution No. 2009-11. A Resolution Increasing the Budget of the Federal Fiscal Year 2008 Fourth Quarter (County First Quarter 2009 Carryover From FY 2008) Justice Assistance Grant – Region III Drug Enforcement Program \$48,949 (County Sheriff's Office)**
- 2. Resolution No. 2009-12. A Resolution Decreasing the Budget of the Region III Drug Enforcement Grant by \$11,095 in the General Fund to Re-Align the Budget to the Grant Actually Awarded (County Sheriff's Office)**
- 3. Resolution No. 2009-13. A Resolution Increasing the Budget for the Region III Program Income Cost Center by \$752 to Budget Restitution Sharing Revenue Received for Expenditure in Fiscal Year 2009 (County Sheriff's Office)**
- 4. Resolution No. 2009-14. A Resolution Establishing the Budget of the Santa Fe River Scenic Byway, Increasing the General Fund**

- Budget by \$39,941 to Reflect the Receipt of a US-DOT Federal Highway Administration Grant to Develop AN Interpretive Plan (Community Services Department/Open Space)**
5. **Resolution No. 2009-15. A Resolution Increasing the Budget for the Region III Program Income (Federal Forfeitures) Cost Center by \$19,813 to Budget Equitable Sharing Revenue Received for Expenditure in Fiscal Year 2009 (County Sheriff's Office)**
 6. **Resolution No. 2009-16. A Resolution Increasing the Budget for Each EMS District, Totaling \$44,070 to Include the Actual Allotment of the Fiscal Year 2009 EMS Fund Act Distribution and Available FY 2008 Cash Balances for Expenditure in Fiscal Year 2009 (Community Services Department/Fire)**
 7. **Resolution No. 2009-__ . A Resolution Increasing the Budget for Each Fire District, Totaling \$1,114,760 to Include the Actual Allotment of the Fiscal Year 2009 Fire Fund Distribution and Available Fiscal Year 2008 Cash Balances for Expenditure in Fiscal Year 2009 (Community Services Department/Fire)**
ISOLATED FOR DISCUSSION
 8. **Resolution No. 2009-17. A Resolution Transferring Forestry Revenue – Jacona Fire, of \$44, Hondo Fire District in the Fire District Fund, Received in Fiscal Year 2008, As Fiscal Year 2009 Budgeted Cash to the Hondo Fire District in the Fire Operations Fund. Forestry Revenue Is Now Budgeted in the Fire Operations Fund At the Request of the State Auditor (Community Services Department/Fire)**
 9. **Resolution No. 2009-18. A Resolution Transferring Movie Lot Fire Protection Revenue of \$3,722, Turquoise Trail Fire District in the Fire District Fund, Received in Fiscal Year 2008, As Fiscal Year 2009 Budgeted Cash to the Turquoise Trail Fire District in the Fire Operations Fund. The Resolution also Budgets Movie Lot Revenue of \$233 Paid for Administrative Overtime. The Total Amount of the Resolution in \$3,955, Or \$7,677 with the Cash Transfer. Movie Lot Revenue Is Now Budgeted in the Fire Operations Fund At the Request of the State Auditor (Community Services Department/Fire)**
 10. **Resolution No. 2009-19. A Resolution Increasing the Budget for the Hazmat Grant by \$330 From Budgeted Cash Carried Over From Fiscal Year 2008 (Community Services Department/Fire)**
 11. **Resolution No. 2009-20. Resolution Increasing the Budget for the Turquoise Trail Fire District by \$360, and the Galisteo Fire District by \$1,640 From Movie Lot Revenue. The Total of the**

- Resolution Is \$2,000 (Community Services Department/Fire)**
- 12. Resolution No. 2009-__ . A Resolution Increasing the Budget for the Judicial Courthouse Project From Budgeted Cash (bond Proceed Carryover) by \$329,617.32 Due to a Payment Error Necessitating in This Action in Fiscal Year 2009 (Community Services Department) ISOLATED FOR DISCUSSION**

B. Miscellaneous

- 1. Request Approval of SFC Agreement #29-0006-MG for Employee Assistance Program Services, to the Highest Rated Offer, the Solutions Group for a Period of Four Years in the Amount of \$200,000 (Human Resources Division)**
- 2. Request Approval of the Accounts Payable Disbursements Made for All Funds for the Month of December 2008 (Administrative Services Department)**
- 3. Resolution 2009-__ . A Resolution Authorizing the County to Submit an Application to the Department of Finance and Administration, Local Government Division, to Participate in the Local DWI Grant and Distribution Program (Community Services Department/DWI) ISOLATED FOR DISCUSSION**
- 4. Request Approval of Local DWI Distribution/Grant Application for Fiscal Year 2010 in the Amount of \$1,126,813 for the DWI Program (Community Services Department/DWI)**
- 5. Request Approval of Memorandum of Understanding Between Santa FE County and the New Mexico Department of Finance and Administration for Fiscal Year 2010 for the DWI and CARE Connection/Sobering Center Programs (Community Services Department/DWI)**
- 6. Request Approval of a Health Assurances and Cooperative Agreement Between Santa Fe County and the New Mexico State Department of Health for Fiscal Year 2010 for the DWI and CARE Connection/Sobering Center Programs (Community Services Department/DWI)**
- 7. Request Approval of Local DWI Distribution/Grant Statement of Assurances with the New Mexico Department of Finance and Administration (Community Services Department/DWI)**
- 8. Resolution 2009-__ . Request Approval of Local DWI Distribution/Grant Resolution for FY10 Allowing for Submittal of Application to DFA for \$300,000 in DWI Detox Funds for the CARE Connection/Sobering Center (Community Services Department/DWI) ISOLATED FOR DISCUSSION**
- 9. Request Approval of Application to DFA for \$300,000 in DWI**

- Detox Funds for the CARE Connection Sobering Center
(Community Services Department/DWI)**
10. **Resolution 2009-21. A Resolution Increasing the Budget for the Maternal Child and Health Program by \$5,000 in Fund 232-0417-462 for a Grant From the Brindle Foundation (Community Services Department/Health)**
 11. **Resolution 2009-22. A Resolution Increasing the Budget for the Senior Services Program in fund 232-0489-462 by \$ 133,082 (Community Services Department/Health)**
 12. **Approve Memorandum of Agreement in the Amount of \$550,400 Between the Santa Fe County and City of Santa Fe for the Senior Services Program to Reimburse the City for Operating the Chimayo, Edgewood, El Rancho, Rio En Medio, and Santa Cruz Senior Centers (Community Services Department/Health)
ISOLATED FOR DISCUSSION**
 13. **Approve Professional Services Agreement Between Santa Fe County and United Way of Santa Fe County for SAMHSA/New Mexico Department of Health Funding for the Deliver of "Project Launch" Services in Santa Fe County in the Amount of \$732,673.84 (Community Services Department/Health)
ISOLATED FOR DISCUSSION**
 14. **Approve Resolution 2009-___. A Resolution Increasing the Budget for Fund 101-0491-462 in the amount of \$732,673 to Fund a Professional Services Agreement between Santa Fe County and United Way of Santa Fe County for SAMHSA/New Mexico Department of Health funding for the delivery of "Project Launch" services in Santa Fe County (Community Services Department/Health) ISOLATED FOR DISCUSSION**
 15. **Resolution No. 2009-___. A Resolution Authorizing the County Manager to Execute Contracts for IFB#29-0090-CSD/RSM for a Kitchen Remodel for the Santa Fe County Fair Grounds (Community Services Department) ISOLATED FOR DISCUSSION**
 16. **Resolution No. 2009-___. A Resolution Authorizing the County Manager to Execute Contracts for IFB#29-0091-CSD/RSM for Renovations to the Women's Health Services Building (Community Services Department) ISOLATED FOR DISCUSSION**
 17. **Resolution No. 2009-___. A Resolution Authorizing the County Manager to Execute Contracts Between the County and the City of Santa Fe for Utilities and Other Services Regarding the**

**Construction of the New Steve Herrera District Courthouse
(Community Services Department) ISOLATED FOR
DISCUSSION**

18. **Acceptance of Offers Regarding, IFB#29-0002-a-PW/JC, and Authorization to Enter Into a price Agreement with EMCO Española Mercantile Inc. for Various Road Maintenance and Construction Materials (Growth Management Department)**
19. **Acceptance of Offers Regarding, IFB#29-0002-B-PW/JC, and Authorization to Enter Into a Price Agreement with Coutech Construction Products for Various Road Maintenance and Construction Materials (Growth Management Department)**
20. **Acceptance of Offers Regarding, IFB#29-0002-CA-PW/JC, and Authorization to Enter Into a Price Agreement with Fisher Sand and Gravel Co. for Various Road Maintenance and Construction Materials (Growth Management Department)**
21. **Acceptance of Offers Regarding, IFB#29-0002-D-PW/JC, and Authorization to Enter Into a Price Agreement with DTT Sand and Gravel Inc. for Various Road Maintenance and Construction Materials (Growth Management Department)**
22. **Acceptance of Offers Regarding, IFB#29-0002-E-PW/JC, and Authorization to Enter Into a price Agreement with HD Supply Waterworks for Various Road Maintenance and Construction Materials (Growth Management Department)**
23. **Acceptance of Offers Regarding, IFB#29-0002-F-PW/JC, and Authorization to Enter Into a Price Agreement with Moriarty Concrete Products, Inc. for Various Road Maintenance and Materials (Growth Management Department)**
24. **Acceptance of Offers Regarding, IFB#29-0002-G-PW/JC, and Authorization to Enter Into a Price Agreement with Maccagerri Inc. for Various Road Maintenance and Construction Materials (Growth Management Department)**
25. **Resolution 2009-23. A Resolution Authorizing the County Manager to Execute Agreements for Architectural and Engineering Services Related to the Design and Construction of the Additions to La Tierra and Pojoaque Fire Stations (Community Services Department)**

[For action on Consent Calendar see page 3.]

XII. CONSENT CALENDAR – Withdrawn Items

A. 7. Resolution No. 2009-24. A Resolution Increasing the Budget for Each Fire District, Totaling \$1,114,760 to Include the Actual Allotment of the Fiscal Year 2009 Fire Fund Distribution and Available Fiscal Year 2008 Cash Balances for Expenditure in Fiscal Year 2009 (Community Services Department/Fire)

CHIEF HOLDEN: Mr. Chair, members of the Commission, I'd stand for any questions.

COMMISSIONER MONTOYA: Mr. Chair, the question that I have, Stan, is it says each district. What is the allocation for each district? Or is it broken up that way?

CHIEF HOLDEN: I should have thought that you might ask that question, Commissioner Montoya, so I apologize. I can read those to you, if I had my glasses.

STAN MOYA (Deputy Fire Chief): Mr. Chair, Commissioner Montoya, the way it works is that the State Fire Marshal's office allocates a certain amount of budget per district depending on the ISO and the number of substations. So it's asking for – we have a carryover that comes across after each fiscal year and the way it works is we have a budget of 2008. For Chimayo, for instance is \$84,778. Eldorado is \$294,417; Edgewood, \$154,510; Hondo, \$191,115; La Puebla, \$172,723 – these are carryover numbers, okay? And this has gone to the State Fire Marshal's office for their approval. Pojoaque \$109,048; Stanley, \$132,122; Tesuque, \$157,703; Turquoise Trail, \$182,704; La Cienega, \$116,819; Madrid, \$89,305; Glorieta, \$129,588; Agua Fria, \$121,454; Galisteo, \$120,451; and the state pen, \$148,040.

So that's just a carryover. If you'd like I can read what the allocation is from the Fire Marshal's office.

COMMISSIONER MONTOYA: So that carryover is state funding?

MR. MOYA: It's all state.

COMMISSIONER MONTOYA: Okay. So that's carryover. And then what was the second piece that you said?

MR. MOYA: The grant that the State Fire allocated to each district, for instance Chimayo is \$60,858; Eldorado is \$216,981; Edgewood is \$134,318; Hondo, \$137,764; La Puebla, \$88,398; Pojoaque, \$94,140; Stanley, \$88,398; Tesuque, \$11,358; Turquoise Trail, \$105,625; La Cienega, \$88,398; Madrid, \$68,882; Glorieta, \$68,882; Agua Fria, \$88,398; Galisteo, \$65,438; state pen, \$61,995.

COMMISSIONER MONTOYA: So that's the \$1,140,000 that we're approving?

MR. MOYA: That's \$1,479,000. This is just a carryover and some were decreased; some were increased. And the numbers were come up by Paul Griffin in Budget.

COMMISSIONER MONTOYA: Okay.

MR. MOYA: And that's where you resolution is, on that side of your packet.

COMMISSIONER MONTOYA: Okay. Could I get a copy of that

information? Okay. Mr. Chair, I move for approval.

CHAIRMAN ANAYA: Motion by Commissioner Montoya.

COMMISSIONER HOLIAN: Second.

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

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

XII. A. 12. Resolution No. 2009-25. A Resolution Increasing the Budget for the Judicial Courthouse Project From Budgeted Cash (bond Proceed Carryover) by \$329,617.32 Due to a Payment Error Necessitating in this Action in Fiscal Year 2009 (Community Services Department)

JOSEPH GUTIERREZ (Community Services Director): Mr. Chair, members of the Commission, what arose here in this situation is that we received a bill for \$329,000, the amount that you see there. It is from our architect, and when it was paid, it was paid to our construction manager. So the construction manager has refunded the County and we're in the process of paying the architect. It's because – there are no additional funds needed. Because this transaction occurred we paid it in one fiscal year and the reimbursement came back in the following fiscal year, therefore we need to come and rebudget those monies. If it had all occurred in the same fiscal year we wouldn't be in front of you correcting this error in the transaction.

COMMISSIONER MONTOYA: So, Mr. Chair, my question is what has been done to eliminate this type of an error in the future? It's a pretty huge error that at least Gerald Martin was kind enough to say, yeah, I'll give you your \$329,000 back. But if for some reason somebody weren't so generous in the future we'd be out we'd be out quite a bit of money. So what do we have in our systems of approval –

MR. GUTIERREZ: Mr. Chair, we would have gone to Gerald Martin, but that wouldn't have occurred until later in the process and the contract. Every contract has a dollar amount and the invoices. We track every invoice that was paid against it. So we would have been able to prove to Gerald Martin the transaction was not correct. We coordinate the invoices against the encumbrance. We don't do it at the time of payment. We do it periodically. I guess we do it every couple months when we reconcile – we don't reconcile but when we look at the courthouse budget we have so many transactions going on right now. We have the builder, Bradbury Stamm, that we're making payments to and that types of things. It was a simple clerical error.

We would have gone to Gerald Martin for those dollars if they had not come and reimbursed the County. There's an encumbrance. We have a dollar amount set for Gerald

Martin. We have a dollar about set for MCA. We have a dollar amount set for the builder. And we account for every invoice paid against those.

COMMISSIONER MONTOYA: So could you tell me what the mechanism is now, that it won't happen again?

MR. GUTIERREZ: One of the things is that we'll look more closely as we process this. It was just human error in terms of how that got paid. We'll reverify the encumbrance number, because there is an encumbrance number on there that tracks the – there's one for Bradbury Stamm, there's one for the architect and there's one for the construction manager. So we'll reverify that.

COMMISSIONER MONTOYA: Do you have anything, Teresa?

MS. MARTINEZ: Mr. Chair, Commissioner, the accounts payable staff also implemented an additional step, because we should have caught it at our level as well. So it was confusing because the face with the name of architect, there was a memo, a summary memo summarizing the invoice, and then the actual invoice attached to it. So we've added a step to our process, when we see that cover letter there then we search and ensure that we're paying the correct vendor.

COMMISSIONER MONTOYA: Okay. Then something has been done to –

MS. MARTINEZ: Yes, sir.

COMMISSIONER MONTOYA: Okay. That's what I wanted to know. Mr. Chair, I move for approval.

CHAIRMAN ANAYA: There's a motion by Commissioner Montoya.

COMMISSIONER HOLIAN: Second.

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

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

XII. B. 3. Resolution 2009-26. A Resolution Authorizing the County to Submit an Application to the Department of Finance and Administration, Local Government Division, to Participate in the Local DWI Grant and Distribution Program (Community Services Department/DWI)

REBECCA BEARDSLEY (DWI Coordinator): Mr. Chair, I stand for questions. This is a straightforward resolution that we do every year. It's required as part of our application process in order to receive our LDWI distribution funds from DFA.

COMMISSIONER MONTOYA: Mr. Chair, there was no resolution in my packet. I don't know if you all have one.

MS. BEARDSLEY: Mr. Chair, Commissioner Montoya, that resolution was

submitted to Legal back in November and I understand there's been a change in the process so that the actual resolution was not included in the packet for either this or for item 8, which is the resolution for the CARE Connection as well.

COMMISSIONER MONTOYA: Right.

MS. BEARDSLEY: I'll go ahead and allow Michelle Bowden from the Attorney's office to answer those questions.

COMMISSIONER MONTOYA: Okay, yes. Because we're approving a resolution that we haven't even looked at.

MICHELLE BOWDEN (Contracts Manager): Hi, how are you? I'm Michelle Bowden. I'm the contract manager for Santa Fe County. My understanding is the only packet material that is requested for the items that I review and Legal reviews is the memorandum, so if that's incorrect, then I stand corrected and that won't happen again.

MR. ABEYTA: Mr. Chair, Commissioner Montoya, I actually requested these resolutions and I just assumed that staff got them to me afterwards, so I'll take responsibility for that. That's why they weren't in there, but as Becky said I have changed the process. I am requiring these resolutions being in there and for some reason, I don't know, between Micah and Becky, I don't know why it didn't get in there. But I apologize for that. It should have been in there because I requested it and I should have verified that. But next time they will be in there.

COMMISSIONER MONTOYA: So should we approve this without –

MS. BEARDSLEY: Mr. Chair, would you like me to read the resolution? It's a one-page –

COMMISSIONER MONTOYA: Do you have a copy that we can look at and then maybe come back to it?

MS. BEARDSLEY: Certainly.

COMMISSIONER MONTOYA: So we'll just come back to that one, Mr. Chair.

CHAIRMAN ANAYA: No problem.

XII. B. 8. Resolution 2009-27. Request Approval of Local DWI Distribution/Grant Resolution for FY10 Allowing for Submittal of Application to DFA for \$300,000 in DWI Detox Funds for the CARE Connection/Sobering Center (Community Services Department/DWI

MARY JUSTICE (CARE Connection Director): I also brought an extra copy.

COMMISSIONER MONTOYA: It was the same, Mr. Chair. I had no resolution.

MS. JUSTICE: They have to have a separate one because the detox is a grant and hers is a distribution.

COMMISSIONER STEFANICS: Mr. Chair.

CHAIRMAN ANAYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: I'm wondering, are these both time-sensitive?

MS. JUSTICE: Yes, the proposal is due February 20th, so we need to – and DFA requires this permission from the Commission to actually apply for the grant.

COMMISSIONER STEFANICS: The reason I'm asking, Mr. Chair and Commissioner Montoya, do you want to hold these until the next meeting to actually see them or move them today?

COMMISSIONER MONTOYA: I just wanted to see the resolution.

MS. JUSTICE: The other was for the local DWI Planning Council. And mine is exactly the same except at the top it just says the Detox CARE Connection.

COMMISSIONER MONTOYA: Okay. Okay. And that's for Resolution 8?

MS. JUSTICE: And they were both approved by the DWI Planning Council and the HPPC. Do you have any other questions?

COMMISSIONER MONTOYA: The resolution, I believe is actually 9.

CHAIRMAN ANAYA: There's two of them for \$800,000.

MS. JUSTICE: One is the resolution and the other is the actual grant application. That's for \$300,000. And that original, I think they have here as well, Valerie has that. Chairman Anaya is required to sign the front page of the application just certifying that the Commission gave their approval to submit that grant application.

CHAIRMAN ANAYA: Okay.

COMMISSIONER MONTOYA: Okay. On the one with the application, which is 9.

MS. JUSTICE: Yes, sir.

COMMISSIONER MONTOYA: There wasn't, again, any supporting documentation.

MS. JUSTICE: I know I submitted those to the Manager's office, so Valerie, do you have both of those?

COMMISSIONER MONTOYA: Okay. Well, this one's the application. This is number 9. I think they're mixed up also in terms of the order of the agenda. Because the resolution was first in my packet and then I have the application second. But anyway, in neither one of those, 8 and 9, there was no supporting documentation. Okay. So Mr. Chair, I'll go back to B. 3, and move for approval of that application.

CHAIRMAN ANAYA: There's a motion by Commissioner Montoya on B. 3.

COMMISSIONER STEFANICS: I'll second.

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

The motion to approve Resolution 2009-26 passed by unanimous [4-0] voice vote.
[Commissioner Vigil was not present for this action.]

XII. B. 9. Request Approval of Application to DFA for \$300,000 in DWI Detox Funds for the CARE Connection Sobering Center (Community Services Department/DWI)

COMMISSIONER MONTOYA: And Mr. Chair, on 8 and 9, I would just ask that those be checked, because I don't think that we're approving the way they're listed on the agenda. I think 9 should be 8 and 8 should be 9. So I would move approval for both of those, 8 and 9, Mr. Chair.

CHAIRMAN ANAYA: There's a motion by Commissioner Montoya for 8 and 9.

COMMISSIONER HOLIAN: Second.

CHAIRMAN ANAYA: Second by Commissioner Holian. We're doing those at the same time. Any further discussion?

The motion to approve Consent items XII. B. 8 and 9 passed by unanimous [4-0] voice vote. [Commissioner Vigil was not present for this action.]

XII. B. 12. Approve Memorandum of Agreement in the Amount of \$550,400 Between the Santa Fe County and City of Santa Fe for the Senior Services Program to Reimburse the City for Operating the Chimayo, Edgewood, El Rancho, Rio En Medio, and Santa Cruz Senior Centers (Community Services Department/Health)

COMMISSIONER MONTOYA: Okay, Mr. Chair. Again, I didn't have an MOU. I don't know if other Commissioners had one. I didn't have any documentation to review.

CHAIRMAN ANAYA: Our packet would have been six inches thick if we'd had it.

COMMISSIONER MONTOYA: We would have done what Commissioner Stefanics did and take two big binders.

CHAIRMAN ANAYA: What do we have to say for that?

MR. ABEYTA: Mr. Chair, it's just a matter of how much information the Commission wants. We can put every single MOU and contract in the packet, but then it is going to be six inches thick. For some of these things I did request the applications and I don't know what happened. So I'll look into that. But we can just err on the side of caution and put everything in the packets from now on.

CHAIRMAN ANAYA: Did we – I know that we've had this conversation before and we asked not to because of the amount of paper we were wasting.

MR. ABEYTA: Right.

CHAIRMAN ANAYA: But we've got a new Commission. If they want to change it we can do it. Commissioner Montoya.

COMMISSIONER MONTOYA: Mr. Chair, on this item I think this is an agreement that we've had ongoing but it's also one that we have been discussing.

CHAIRMAN ANAYA: so Commissioner Montoya.

COMMISSIONER MONTOYA: I think it is important to have that documentation.

COMMISSIONER HOLIAN: Mr. Chair.

CHAIRMAN ANAYA: Commissioner Holian.

COMMISSIONER HOLIAN: Would it be possible to just have you include some information about where we could find it online?

MR. ABEYTA: Sure. We could put it online then.

COMMISSIONER HOLIAN: We'd save paper that way.

MR. ABEYTA: So we could save paper that way. We would scan it in and put it on line.

CHAIRMAN ANAYA: Is that easier? Harder? Staff time? What's up?

MR. ABEYTA: We can do it. We're requesting now that they – we're scanning in the memos and as much back up material now as possible, so we can do that.

COMMISSIONER STEFANICS: Mr. Chair, Roman, how hard is it to do double-sided copies? Especially for scanned material. I don't know.

MR. ABEYTA: We could probably do double-sided.

COMMISSIONER STEFANICS: Well, I would get to – Mr. Chair, since there are a couple of us that are new, because this is a point of contention that I think we should continue to look at senior services, I would like more information. Some things I don't want to interfere with staff recommendations and staff moving ahead with applications, but perhaps until us newbies feel comfortable maybe we need more information than less. But Commissioner Montoya might want it all the time.

COMMISSIONER MONTOYA: Yes.

COMMISSIONER STEFANICS: Well, I'm certainly willing though to look it up, if you just sort of give me a link to it so that the packet doesn't get any fatter. But I don't know how other people feel about that.

CHAIRMAN ANAYA: Go ahead.

COMMISSIONER MONTOYA: Mr. Chair, let me just wrap this one up. Is there anything in that MOU that has changed significantly over last year, Steve?

MR. SHEPHERD: Mr. Chair, Commissioner Montoya, the things that have changed the most in that is the money. It's gone up – I can give you some percentage increases.

COMMISSIONER MONTOYA: Oh, increases.

MR. SHEPHERD: From 2007 to 2008 it went up 17.84 percent, and in the last fiscal year since 2008 it's gone up 22.86 percent. So it's gone up significantly, \$126,000 this

year. And it's something that I would definitely suggest – we're planning on doing it – that the Commission keep a close eye on those increases because I think there's a point to where you've got to ask the question is it more economical for us to contract with the City or for us to do the job ourselves.

COMMISSIONER MONTOYA: That was exactly the question Commissioner Stefanics was asking this morning. Okay. I move for approval, Mr. Chair.

CHAIRMAN ANAYA: There's a motion by Commissioner Montoya. Second by Chairman Anaya. Any further discussion?

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

- XII. B. 13. Approve Professional Services Agreement Between Santa Fe County and United Way of Santa Fe County for SAMHSA/New Mexico Department of Health Funding for the Deliver of "Project Launch" Services in Santa Fe County in the Amount of \$732,673.84 (Community Services Department/Health)**
- 14. Resolution 2009-28. A Resolution Increasing the Budget for Fund 101-0491-462 in the amount of \$732,673 to Fund a Professional Services Agreement between Santa Fe County and United Way of Santa Fe County for SAMHSA/New Mexico Department of Health funding for the delivery of "Project Launch" services in Santa Fe County (Community Services Department/Health)**

COMMISSIONER MONTOYA: Mr. Chair, on those again there was no professional services agreement. There was the cover memo. And what I had, a question on the professional services agreement. Are we getting an administrative fee?

MR. SHEPHERD: Mr. Chair, Commissioner Montoya, no, we're not.

COMMISSIONER MONTOYA: We're not?

MR. SHEPHERD: No. We receive none of this money. I can give you the breakdown between what the state gets and what flows through to United Way of Santa Fe County.

COMMISSIONER MONTOYA: Because I guess the reason being that under the fiscal implications, our staff is going to be required from the Health, Finance, Legal and other divisions in preparing and maintenance and administration of the grant, plus invoicing and budget. Was this not taken into consideration when the grant was applied for? Was that an in-kind from Santa Fe County?

MR. SHEPHERD: Mr. Chair, Commissioner Montoya, basically I think that's what it was looked at. We received direction to take care of this grant and the budget had already been done. I'll be honest with you. The state received – I want to say about \$184,000

of the total of \$916,000.

COMMISSIONER MONTOYA: For what?

MR. SHEPHERD: For their administrative costs of for whatever they're doing.

COMMISSIONER MONTOYA: Oh, so they're getting the administrative costs.

MR. SHEPHERD: They're getting approximately 12 percent of this grant. I know what you're thinking and I agree with you.

COMMISSIONER MONTOYA: Wow. Okay. Yes, they're getting \$183,000?

MR. SHEPHERD: Correct.

COMMISSIONER MONTOYA: And we're getting zero.

MR. SHEPHERD: We're getting some work.

COMMISSIONER MONTOYA: But we're the hero.

MR. SHEPHERD: Yes. It requires a local partner and I agree with you in the future if the County looks at these. Unless we certainly want to be charitable, I think we ought to look at our own needs in advance as well.

COMMISSIONER MONTOYA: Absolutely. I think, Mr. Chair, Roman, any of these in the future we look at a minimum eight percent administrative fee. Because it is going to take a lot of our staff time, plus we're the fiscal agent. We're also the ones responsible for reporting and making sure that things are getting done.

MR. SHEPHERD: That's correct.

COMMISSIONER MONTOYA: So, okay. Mr. Chair, I move for approval of 13 and 14.

CHAIRMAN ANAYA: There's a motion by Commissioner Montoya for 13 and 14. Is there a second?

COMMISSIONER HOLIAN: Second.

CHAIRMAN ANAYA: A second by Commissioner Holian. Any discussion?

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

- XII. B. 15. Resolution No. 2009-29. A Resolution Authorizing the County Manager to Execute Contracts for IFB#29-0090-CSD/RSM for a Kitchen Remodel for the Santa Fe County Fair Grounds (Community Services Department)**
- 16. Resolution No. 2009-30. A Resolution Authorizing the County Manager to Execute Contracts for IFB#29-0091-CSD/RSM for Renovations to the Women's Health Services Building (Community Services Department)**
- 17. Resolution No. 2009-31. A Resolution Authorizing the County Manager to Execute Contracts Between the County and the City of Santa Fe for Utilities and Other Services Regarding the Construction of the New Steve Herrera District Courthouse (Community Services Department)**

COMMISSIONER MONTROYA: Mr. Chair, and I guess maybe we can take all three of those. My question is the same on all of those. What is the estimated cost that we're looking at on each of those?

PAUL OLAFSON (Community Services): Mr. Chair, Commissioner Montoya, the estimated cost on the fairgrounds, we had a preliminary budget of approximately \$300,000. The preliminary cost on the Women's Health remodel I believe, although I don't have the exact number in my mind, I believe is about \$250,000. And the third one does not have a direct cost. This is agreements between the City and the County for different water services and easements and we don't have a calculated cost. We've been working with the City to try and get these agreements in place. It's part of the courthouse project to realign water lines, realign sewer lines and deal with other issues around the courthouse project that involves City jurisdiction and City approvals, particularly water and sewer and parking. So we don't have specific costs. These projects, especially the water and the sewer aspects of the project, it's critical that we need to move them forward. That's why we brought them to the Board for the Manager's approval so that when the City gives us an agreement we can then move them forward. The City ones, I don't anticipate enormous costs on them. It's the timeliness of going through the bureaucracy and getting it in place and not holding up the construction process.

COMMISSIONER MONTROYA: So when will we get those costs? As the work proceeds?

MR. ABEYTA: Right. As each individual issue comes up we'll know the cost, like when it's time to connect water, then we'll have a cost associated with that. Same with sewer, roads, etc.

COMMISSIONER MONTROYA: Okay. That was my question, Mr. Chair. I move for approval of 15, 16 and 17.

CHAIRMAN ANAYA: Motion by Commissioner Montoya. Second by Chairman Anaya. Any further discussion?

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

CHAIRMAN ANAYA: Shall we go to lunch or do you want to just starve to death? What do you want to do? Lunch? Okay, what time do you want to come back? 4:00? How about 1:30?

COMMISSIONER STEFANICS: That's fine. And Mr. Chair, just for the information of the Commissioners, the oil and gas pre-emption bill is being heard this afternoon in the Senate Conservation Committee. And they'll start around 1:30 and were first on the agenda. So if they are late getting to their committee we might want to go over there as well.

CHAIRMAN ANAYA: Okay.

[The Commission recessed from 12:10 to 1:34.]

CHAIRMAN ANAYA: Let's call this meeting back to order. It's 1:34.

XIII. A. Administrative Services Department

1. Review and Discussion of the Monthly Financial Report for the 2nd Quarter of Fiscal Year 2009 (Administrative Services Department)

CHAIRMAN ANAYA: I believe I'm on XIII. A. 1, correct?

MR. ABEYTA: Yes, Mr. Chair, and Teresa Martinez will be presenting the monthly financial report for the second quarter of this fiscal year.

CHAIRMAN ANAYA: Thank you. Teresa.

TERESA MARTINEZ (Finance Director): Mr. Chair, Commissioners, what you have before you is the monthly report for the quarter ending, if you will, December. And it's a little bit different than what you're normally used to seeing. We decided to speak to cash in light of the recession and the impacts that Santa Fe County is currently experiencing. So, our first slide, and they are numbered, if you'll go to slide #2 is a comparison of 2009 budget versus beginning cash balance at the start of the fiscal year. Do you have it in your packet? I have extras if you don't.

CHAIRMAN ANAYA: The slide show?

MS. MARTINEZ: Yes.

MR. ABEYTA: I think it's the fourth page in your packet under XIII. A. 1.

MS. MARTINEZ: We'll move to slide 2. The slide #2, the first one you have is basically a comparison of budget, which is the orange shaded column if you will, and then cash either balances, reserve requirements, all of the above. So the ones that I will mainly focus on, obviously, are the general fund, the jail fund, the fire operations fund, the EMS and

indigent healthcare fund and the road fund.

The general fund has a total operating budget of just a little bit better than \$70 million, and we make the point here that we've budgeted cash to the tune of \$18.5 million. And that's probably the highest or one of the highest rates we've ever budgeted it at, and in the next screen I'll explain how we allocated that budgeted cash. If you look to the green shaded column that shows you what we have as available cash. We are required by law to have a 312 legal reserve, so that equates to \$14.5 million, and we had an available cash balance of \$24.4 million. So the point we're making, of that \$24.4 available we have earmarked \$18.5 of that thus far and I'll explain that in detail.

The jail fund has a budget of just over \$23 million and has a cash balance right now at the start of this fiscal year of July 1 of \$5.7 million. Fire operation budget is just over \$10 million with a \$2.1 million cash reserve. EMS and indigent healthcare, just under \$10 million with a \$6 million cash reserve, and road fund has a budget of \$3.5 million with cash balance of just under a million. The jail and the road fund are very dependent on general fund support. They'll rely on operating transfers from the general fund to sustain their operations. And we'll go through that in a little more detail as we progress.

So we'll go ahead and go to slide #3. This is a breakdown of general fund cash. We're saying that our cash position at the beginning of the fiscal year was \$38.9 million. Right off the top, we have to set aside our legal reserve requirement of \$14.5 million. So this shows that we have an operating cash balance of \$24.4 million that is unallocated. During fiscal year 2008 we made some decisions and the boxed area, if you will, is a breakdown of how that cash is currently being used. We tried to set up, and it is established, a water rights set-aside to the tune of \$8 million. Thus far we have used just under a million and we're forecasting that by the end of the fiscal year we may use a million dollars of that set-aside.

The judicial center has a \$4.7 million budget and that is generated from the 1/16 GRT, and we forecast that \$4.7 million of that balance will be used. Capital equipment in the general fund, we have earmarked a capital package of \$3.3 million. We are looking and analyzing all of those requests as they come in, trying to only approve those that are strictly related to the operation of a particular function that's located in the general fund. Worst case scenario, we're saying we will spend the \$3.3 million. Public Works building, we have earmarked \$1.6 million from the general fund for furniture, fixtures and equipment. We have not spent that and we're trying really hard to stay under that, but we're predicting the worst-case forecast. And then just all other small stuff that adds up to \$900,000. So if you look at the total, we have a total budget against that operating cash of \$24.4 million to the tune of \$18.5 million. We are forecasting that we will probably spend \$11.5 million of that. So we're saying that the available cash at the end of the fiscal year and the start of next fiscal year, if our forecast were to materialize would be at \$12.9 million.

We'll go ahead and go to slide #3.

COMMISSIONER STEFANICS: Mr. Chair, could I ask a question?

CHAIRMAN ANAYA: You bet.

COMMISSIONER STEFANICS: Okay. Let's go back – so are you – does this

slide basically tell us that if we stay on budget – we’re forecasting \$11.5, we’ll have a \$1.4 reserve?

MS. MARTINEZ: No, we’re forecasting, we would say that we would end the year – if all this materialized as forecast we would end the year with a \$12.9 million addition to cash.

COMMISSIONER STEFANICS: Okay.

CHAIRMAN ANAYA: Go ahead.

MS. MARTINEZ: If we go to the next slide, we’re trying to identify a potential impact, and what we do at the start of every year we budget revenues and expenditures, obviously, and then we monitor them. And we’re getting ready now to do mid-year reviews. And this is our forecast of what we think the revenues will materialize at the end of the year and what the expenditures, and we speak to variances, positive and negative variances. So for FY 09 we had a property tax budget of \$36 million. We predict that we’re going to bring in \$36.4 million. The reason that is lesser, and that is lesser from what the County typically brings in is we found that people, the citizens, are paying their current year property taxes and they’re allowing the back taxes for the previous two fiscal years to fall behind. So they’re at least trying to keep up with their current year valuation and the tax assessment related to that.

So far we’re happy with property tax; we don’t have a concern with property tax. Now, with GRT, this is where we probably have a little more concern or are a little more nervous with regard to how this will materialize. The GRT is budgeted at \$8.4 million, and we are forecasting that we’ll bring in \$8.4 million. Now, that’s a hopeful forecast, because the Rail Runner has been carrying the GRT for the County and the Rail Runner project ended in December. So January and February, which would be reflective of November and December collections will probably still hold their own. I think we’ll probably start to experience the decline in GRT collections in March, which would be reflective of the period of being collected of January.

So we collected to the greater in the first two quarters of the fiscal year and we’re hoping that greater amount will sustain the shortfall that we’re going to experience in the next two quarters. So our estimate is a flat collection on GRT.

Investments, we have budgeted at \$2.5 million and we’re forecasting that we’ll bring in \$2.5 million. And then all others is budgeted at \$4.3 million; we’re predicting a forecast of \$4.1. And the reason for that is we’re experiencing reductions in revenue collections relative to the construction industry. So we’re predicting lower revenue collections with regard to that.

So the total shows that we budgeted \$51.2 million. If our forecasts materialize we’ll collect \$51.4 million, which would be a positive variance, a revenue variance, which would add cash to the tune of \$200,000, and that’s where we’re right now standing with revenue. When I do the third quarter report I’ll have a better idea how much of a drop the March collections will take and then we’ll do some forecasts based on that drop.

With regard to expenditures, salaries and benefits are budgeted at \$26.9, and we think

we will spend about \$24.4 million, and all the other operating, which is contractual, travel, maintenance, we're lumping that together to the tune of \$14.2 million and we anticipate and forecast that we'll spend about \$11 million. So that results in a positive cash variance, because we have a budget of \$41.1 million and we are predicting that we will only spend \$35 million. So that will add a positive cash variance to the tune of \$5.7 million. We do want to make the point though that the cash position of our reserves will be \$18.1 million, versus what we started with this fiscal year of \$24.4 million. So it will be lesser next fiscal year when we start.

Move to the next slide. This is a general chart and basically, we're trying to make the point that every year cash added at the end of the fiscal year is basically by comparing actual revenue collected versus expenditures incurred. So you'll see that the revenue line, which is the red line, is low in comparison to the budgeted expense and the actual expense. The reason for that is we do two things at the start – well, we do one thing at the start of the fiscal year. All the operating transfers that the general fund makes to other funds to subsidize their program effort is done in the first part of the fiscal year in total. And then property tax collections, which is our biggest source of revenue, does not materialize until December and January. So even though we're showing a cash variance, a negative cash variance of \$6.9 million, we know that the January bookings for property tax will more than take us over the edge and we produce that at the end of the fiscal year we will end with a positive cash variance. So we'll add to cash balance at the end of the year.

And the other thing that gives us a little level of comfort is the green line is the budgeted expenditure. And if you look at the yellowish-orangish line you can see that actually expenditures are under at this point to the tune of \$12 million. So this will be helpful. And a lot of this I think is reflective of the fact that we've implemented some cost saving measures, so we're reviewing travel, we've put a 5 percent restriction, if you will, on supplies and contractual services. So I think this is helping us stay well within our budgeted expenditure value.

Okay, we'll move to the next slide. On the next slide we're talking about what is in store for fiscal year 2010 for Santa Fe County with regard to the recession? Again, we predict that we'll start fiscal year 2010 with a cash balance of \$18.8 million, and we're making the prediction that there will be very little revenue contribution to grow that cash in this fiscal year. Property taxes, we budgeted \$36.4 in FY 09, we're going to budget \$37.5 in 2010. The County typically budgets anywhere between a growth factor of 6 to 10 percent. We are only going to budget a 3 percent growth factor for the next fiscal year.

And again, GRT is where we're probably most concerned. We budgeted \$8.4 million in fiscal year 2009. We're going to budget \$8 million in fiscal year 2010 and we're predicting a five percent decrease and potentially even more without the Rail Runner project going on in Santa Fe County. Investments, we budgeted \$2.5 million in fiscal year 2009. We're going to bring that down to \$2 million in fiscal year 2010, a 20 percent decrease. And all other will stay flat at \$4.1 million. So the point is we're budgeting slightly higher in 2010, only by \$200,000, and that's because of the growth factor for property tax.

So the main point we want to make here is that we're definitely recommending a flat baseline budget next fiscal year with little to no room at all for any additional or new growth.

The next slide will kind of explain why we're predicting this flat line baseline budget if you will. There are certain things that are impacting the general fund right now. Right now we have our jail enterprise fund, which is suffering with regard to revenue sources. The lack of revenue may force an additional \$1.5 million increase with regard to the amount of money the general fund transfers to subsidize the jail fund operations. We are working with Taxation and Revenue. It appears that every month our fire tax, which is the emergency medical service and communications GRT that was recently implemented, it's coming in about 10 percent less than what we expect. So we're working with Taxation and Revenue with regard to that. If that continues and if that's not an error then we may have to revisit how we support the Regional Emergency Communications Center budget, meaning that general fund may have to subsidize that to the tune of a million.

New general fund initiatives can only be funded by cuts in other general fund areas, so oil and gas has been an expenditure for us this fiscal year and continued oil and gas expenditures will be a factor. The growth management plan expansion is a new factor. The County growth moratorium will result in less revenue, so this is the moratorium that was put in place in order to keep people from dividing their property. The commercial growth should still continue if the market allows for it. And then there may be forced general fund support for other programs. One of the examples we give is the sobering center. So the general fund may be looked at closely for support of a lot of major programs for the County.

The next slide will focus on the jail fund and similar format. We're showing you that we started the fiscal year with a cash balance of \$5.7 million. We have in a Board-adopted budget policy a reserve requirement of \$2 million leaving operating cash available at the start of the fiscal year of \$3.7 million. Every year we give the jail fund somewhere between the tune of \$500,000, \$600,000 for a capital package, so that we can try to upkeep the facilities and stay on top of that with regard to security issues. We gave them \$500,000 this fiscal year. We anticipate that they'll spend about \$200,000. Annabelle's watching that closely, knowing the market that we're in right now and the recession that we're in right now.

With regard to revenue – this is really important – COP stands for care of prisoners, so we're predicting that the adult – we established a budget this fiscal year of \$4.3 million. We anticipate that we will probably collect \$2.6 million at the rate that we're going at right now. That's a significant drop. Youth care prisoners, we've put a budget in place if you will of \$4 million. We're predicting we'll collect \$900,000. So you can see the impact, the cash could have a negative variance. We budgeted it at a higher value than we're actually going to collect, so that's a serious issue that we're watching.

On the operating expenditures side, at the adult we have a budget of \$11.7 million. We're forecasting that they'll spend \$9.7 million and they're working closely with their finance manager to stay on top of their budget and really analyze all expenditures. The youth programs had a budget of \$3.7 million. We're predicting or forecasting that we'll spend \$2.8 million. So the impact on cash will be a positive variance from the expenditure level. So a

negative variance from revenue collection, a positive variance from expenditures materializing, means that we could end the fiscal year with probably a \$1.6 million cash balance. So this is something that we're monitoring almost daily. It's something you'll be hearing from us every report.

Okay, if we go to the next slide it's –

CHAIRMAN ANAYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: Could I ask some questions about the jail, or you have a few more pages, right?

MS. MARTINEZ: Whatever you would prefer.

COMMISSIONER STEFANICS: Why don't you finish about the jail and then I'll ask that question.

MS. MARTINEZ: Okay. The next slide again is just a chart to kind of show – this is an important one – revenue compared to expenditures. Red line again revenue, green line budgeted expenditures, and orange line would be actual expenditures. Now, the revenues are low and take a peak up, if you will, and that peak up is because of the transfers that were made from the general fund. The jail received transfers from the general fund this fiscal year to the tune of \$4.3 million. Corrections fund gives it \$200,000, and then the corrections GRT transfers to the jail operations to the tune of \$5 million. So that's why you see such a high peak upward if you will with regard to revenue. If you look at the budgeted expenditures, that's the green line, and you compare that to the actual expenditures we right now have an expense variance almost to the tune of \$3 million. If you look at the line extensions that continue on you can see that the orange line is going to far surpass the red line. So that means that we're going to spend at a higher level than we're collecting revenue, and that's going to result in a draw-down of the cash balance.

So again, watching it very closely knowing that we have some serious issues with regard to our jail fund. If we go to what's threatening our jail fund, the threats to the jail fund are obviously the lack of revenue from the adult facility that may force the additional general fund money contributions. We're trying really hard to keep the expenditure budget down. The jail fund will not have enough cash to sustain the youth operations next fiscal year if it's operating at the same level of staffing and revenue collection. And jail fund cash, which is typically designated for capital costs in the corrections facility is severely drawn down. And I want to point out that the only reason the jail fund has a cash balance is because every year, general fund, corrections GRT, those transfers are made at the start of the fiscal year, and we've never gone back to see how the expenditures materialize and drawn back that cash. We've always left it there on the premise that they're going to have a capital package issue need where they might have to keep it for the upkeep of the facility. So that's why they have a cash balance.

And in addition to that, the general fund this fiscal year supported the debt service requirement for the adult facility, and that's to the tune of \$2.4 million. So the cash would be a lot worse if general fund had not paid that.

COMMISSIONER STEFANICS: Okay, Mr. Chair and Teresa, on the youth

facility, the question I'm trying to phrase is, what amount of money, if we were to contract out the use of the space, what amount of money would be helpful? Would it be the amount that would cover utilities and personnel expenses? Or would it be more?

MS. MARTINEZ: Mr. Chair, Commissioner Stefanics, honestly, I don't know that I have a solid number for you. I'll tell you what we're doing right now. We're putting together a couple of scenarios. We are probably going to do a request for a – an RFP or request for quotes. We're going to go out and speak. We've had one private contractor contact us. And they contacted us at a time when we closed the ARC. So the conversations have been with regard to the ARC site. But the conversation will expand to the operation of the juvenile facility and then try to factor in our county population. And the other thing is we're looking at it in terms of what is a bare minimum staffing that we need just to take care of county children, and then anticipate on an annual basis how much that would cost us. And the other option is obviously closing the facility and then trying to find beds for the children that we have right now. I don't know what the population is today. Last I confirmed it was six, and three of those were county children. So we're operating a facility for six kids, and that's not good, obviously. But to let you know, Annabelle is out there and she's working with a lot of the other counties and the message we're getting back is that they love our facility, they love our services but because of the recession and because of the budget shortfalls, they're right now going out there for the lesser dollar. So we have a couple plans of action if you will that we're working on and trying to recruit, unfortunately recruit juveniles to our facility.

So that's where we're at. I can tell you that at mid-year we're in the hole \$1.5 million, operating at a full capacity with that many children. So I'll try to, either by the end of the next admin meeting or the following see if we have some of our analysis complete and we can tell you what that number is.

COMMISSIONER STEFANICS: Well, the reason I ask, Mr. Chair, is I've been trying to pitch our facility to the State Children, Youth and Families Department as a potential solution for one of their problems for not being able to build in the downturn of the state's economy. And I'm also wondering – many, many years ago, and this is something that would have to be pursued on the programmatic level, many years ago Santa Fe Public Schools was looking for a facility for behavioral problems so that they could be certified, and the County had just built that brand new facility. And I said why don't you talk to the County about this. Now, this is pretty many years ago, but many there's still a need. It was more like a residential treatment center, but also a special ed school that they were looking for. The needs might be taken care of by now. I'm just grasping at straws for other money, other people's money. Thank you, Mr. Chair.

CHAIRMAN ANAYA: Commissioner Holian, then Commissioner Montoya.

COMMISSIONER HOLIAN: Are you looking at different scenarios for the adult facility as well?

MS. MARTINEZ: Mr. Chair, Commissioner Holian, we are actually. We've been negotiating with the couple. We actually sent out a – not a sales flier but a flier saying

we have beds. This is what we're doing and we got a lot of response. The problem with that is, positive feedback, we want to bring our population to your facility, but there's a shortfall of beds, if you will. We had a contract with the Department of Corrections, and we had a capacity of 144 beds. There was a downturn in population requirements and I can't explain why but they no longer needed the bed space that we had available and we're finding that a lot of the – not a lot, but some of the state facilities have shut down some of their pods for that very reason. They don't have the inmate population to be carried out beyond their facility.

So we have a couple of agreements. We did get a couple of positive responses. Some of them are small enough where it would only be maybe one or two inmates at our facility, and then we're working with a larger one where we're hoping that maybe by as early as February we'd start seeing some beds into the adult facility. But we are trying everything we can.

CHAIRMAN ANAYA: Commissioner Montoya.

COMMISSIONER MONTOYA: Thank you, Teresa. What has been the percentage of increase over the last five years for the adult facility that we've contributed from the general fund?

MS. MARTINEZ: From the general fund? Well, it's been higher in years past, and that was because when we implemented the corrections GRT that relieved the general fund a little bit with regard to the transfer. So I can tell you that it's lesser now than it was in years past. There's been years when we had it as high as \$9 million. This year it was to the tune of \$4.3 million. And then jail medical care is also woven into our agreement with the hospital, so that alleviates the general fund a little bit with contribution with regard to inmate medical care. So it's lesser now. That could change from year to year, depending on the different funding.

COMMISSIONER MONTOYA: And then the other municipality that we were dealing with, Roman, was Española and I don't think there's been any follow-up with that, instead of them sending their prisoners to Gallup, possibly negotiating something that maybe we can cut it down.

MR. ABEYTA: Mr. Chair, Commissioner Montoya, we were talking with them and then it seems like the discussion stopped when they started talking about opening their own facility.

COMMISSIONER MONTOYA: Oh, okay.

MR. ABEYTA: And so they kind of started asking us questions regarding that instead, and they seemed more interested –

COMMISSIONER MONTOYA: Don't do it.

MR. ABEYTA: Kind of. But they seemed more interested then in talking to us about running a facility than sending their people but we'll continue to contact them.

COMMISSIONER MONTOYA: Okay. Maybe – are those discussions still going on?

MR. ABEYTA: I don't know, and the last time I spoke with Councilor

Herrera was probably around five or six weeks ago, so I'll give him a call again and see if they're still –

COMMISSIONER MONTOYA: If they're still proceeding.

MR. ABEYTA: Right.

COMMISSIONER MONTOYA: Okay. And then the other impact that you have on here that could cost us is that County growth moratorium. That's the interim development ordinance.

MS. MARTINEZ: That's correct.

COMMISSIONER MONTOYA: The IDO. And it could be \$600,000 every six months, or about \$100,000 a month?

MS. MARTINEZ: Mr. Chair, Commissioner Montoya, that's what we're forecasting, yes. And that's again the worst-case scenario.

COMMISSIONER MONTOYA: Okay. And you mentioned that the general fund is supporting the revenue bond debt for the care of prisoners. Has that always been the case?

MS. MARTINEZ: No, Mr. Chair, Commissioner Montoya, this is the first year we did that. And another issue arose. Our auditors have been after us for two years now to remove the jail fund from an enterprise fund. It is truly not an enterprise fund. It's not self-sustaining. It doesn't hold its own, if you will. So in this fiscal year we made the move. They want us to reclassify it to special revenue fund. Special revenue funds cannot carry their own debt, so we created a separate fund to carry the debt of the adult facility. The bond for that adult facility and general fund covered that. So if you consider the \$2.4 and the \$4.3, we're at \$6.7 the general fund has transferred over the jail fund. This is the first year we've done that. And then when we start next fiscal year we will transition the jail fund from an enterprise fund to a special revenue fund, and then we'll be complete with that process.

COMMISSIONER MONTOYA: Okay. So it will only happen one more time?

MS. MARTINEZ: Well, it may happen – it may have to happen again next year depending on the revenue collections. If revenues are down they won't have the capacity to maintain that debt service requirement. So it's definitely a contingency for the future.

COMMISSIONER MONTOYA: Okay. That's all I had.

MS. MARTINEZ: Okay. And then the last slide or the summary, if you will, having said all this how do we approach the next budget cycle? Well, we're getting ready to conduct mid-year budget reviews. I believe they'll start on the 2nd. We know we have an area or a little room, if you will, with regard to gasoline budgets. We based our budgets this year with a small growth factor based on the prices we were experiencing last fiscal year and those prices are obviously down. We're witnessing lesser prices so we have a little bit of room there. And we're going to determine the baseline budgets. We are right now saying flat budget for next fiscal year but I want to reserve the right, that if the GRTs are definitely down and further down than what we're forecasting, we may have to look at cuts when we enter the budget process.

So we're getting ready to kick off the 2010 budget preparation. We will give direction

at this time to flat baseline budget. Staff [inaudible] will be filled positions with no increases, so there's no room for growth, no new FTEs, no increases. There may be a possible cut in some services that are based on the retention of public demand. So we have FTEs that are currently funded based on our building permit collection, our recording fees, that type of revenue, and they're down. They're significantly down, and we're still staffing at the same levels so we may have to analyze and look at that closely. And we just want to make the point that we cannot continue to take losses on pass-through funding, and we give the example of the memorandum of agreement.

So that is the picture for now. We'll, as I said earlier, start the budget review process. We'll see if we have any areas of high concern and then any areas where we have more savings than we anticipate, and then we'll start the next budget cycle.

CHAIRMAN ANAYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: Mr. Chair and Commissioners, at our retreat, our fall retreat, we were told that there is an amount of money that has to be spent by the County on monitoring pass-through money for projects that are not County projects, and that that poses a hardship some times. Has the County Commission ever discussed requiring funds from non-profits to cover this monitoring if we accept the funds?

COMMISSIONER MONTOYA: Mr. Chair, Commissioner Stefanics, we have, and we've actually discussed it on the front end when they're requesting appropriation from the legislature. And we've discussed it with the legislators also that we need to start getting a percentage of whatever is allocated for our own administrative purposes. That, to my knowledge is yet to transpire. Is that right, Roman?

MR. ABEYTA: Mr. Chair, Commissioner Montoya, that's right. And we don't – we started the discussion last year. It will be interesting to see now with this new session if we've gained any traction. I don't know of very many non-profits that have come forward thus far requesting County assistance, but when they do we're letting them know that, one, we're probably going to oppose it all together just because it's not a County project, but if we do, and there is consensus from the Commission to move forward then we're going to want to seek a fee for that.

COMMISSIONER STEFANICS: Well, Mr. Chair, I understand – I've investigated this and it is very hard to change the law because it's in the constitution that the capital funds cannot be used for operations. But I've talked to some other legislators and then I've talked to some other counties and what some other counties do is they do an MOU per se or a contract with the non-profits and say in order for us to accept this money you will put up x-amount of dollars for the monitoring and maintenance even – whatever it needs to be. And a few of the other counties, in particular Bernalillo, that that's how they've managed this. And so one of my positions has been that sometimes there is no place else that a non-profit can go that can to the City or the County, and I was thinking from past experience, but if I'm going to use that then I should in fact as a non-profit pay for that service. And so we might want to think of it as a business transaction as opposed to going and changing the law and say, you know, to do business with the County we need, I don't know, one percent? Three

percent? Or whatever amount of dollars that we need. But I think that it's just putting out an idea so that we don't cut people off cold but we say we have to be partners and get something out of this. Thank you.

COMMISSIONER MONTOYA: I think that's a good idea.

CHAIRMAN ANAYA: A really good idea.

MR. ABEYTA: Mr. Chair, we'll start researching that and we'll come up with different options on what the percentage would be. Maybe it's three, maybe it's two, but we'll start working on that.

COMMISSIONER MONTOYA: Mr. Chair, on that point, on that Project Launch that we approved this morning is another example of the burden that it's putting on our staff also with no compensation. So I like that idea.

CHAIRMAN ANAYA: Is that clear direction?

MR. ABEYTA: Yes. We'll start working on a policy.

CHAIRMAN ANAYA: Thank you, Commissioners. Is that it, Teresa? Thank you for your presentation and I'd like you to get with Jennifer so you can schedule time to meet with me with this presentation.

XIII. B. 2. Approve 2009 Sole Community Provider Requests for CHRISTUS\St. Vincent Regional Medical Center, Española Hospital, and Los Alamos Medical Center (Community Services Department) [Exhibit 3]

MR. SHEPHERD: Mr. Chair, Commissioners, prior to lunch we passed out a two-page spreadsheet which I'd like to make sure everybody's got in front of them. Staff recommendation is the following: For Española Hospital – I'm just going to give the totals here, we recommend a total sole community provider allocation of \$44,0553.49. Los Alamos Hospital, \$49,325.01. St. Vincent Hospital, \$32,062,099.22. We'd also like your discretion to be able to round these dollars to the nearest dollar as well when we submit it. This would require a County match of \$9,645,151, and you'll notice that the largest part of that is the recommendation for St. Vincent to get \$9.5 million. I'd stand for any questions.

CHAIRMAN ANAYA: Okay, so Steve, you're wanting us to act on the \$9.5 million, right?

MR. SHEPHERD: Correct. That's the amount dedicated to St. Vincent Hospital.

CHAIRMAN ANAYA: Okay. Any questions of Steve?

COMMISSIONER MONTOYA: What about Española and Los Alamos?

MR. SHEPHERD: Basically, what we did is we held them to the same level as last fiscal year.

COMMISSIONER MONTOYA: Oh, so they are the same?

MR. SHEPHERD: The actual match amount's the same. What they're going

to receive versus last year is lower because the state or federal share and the local match percentage has changed between last year and this year. Española Hospital for example would get about \$9,200 less then they got last year as a total.

COMMISSIONER MONTOYA: And that's reflected where, Steve?

MR. SHEPHERD: Well, if you look at the second page it's got fiscal year 2009, the fiscal year we're in right now, and you can see that their amount is \$449,000 as opposed to \$440,000 projected. And that's strictly a function of the –

COMMISSIONER MONTOYA: So then your \$468,000 in this memo is not valid.

MR. SHEPHERD: No, that's the original memo that we put together for last meeting. After going back and talking our finances over this is a recommendation that we came to.

CHAIRMAN ANAYA: Commissioner Montoya.

COMMISSIONER MONTOYA: I'm just studying – go ahead.

COMMISSIONER STEFANICS: When you're ready I'll make a motion.

CHAIRMAN ANAYA: Okay, I'm ready.

COMMISSIONER STEFANICS: Mr. Chair, I move the staff recommendation for sole community provider hospital-based funding and I would request that if the County identifies any other available funds in the future for supplemental they let us know.

CHAIRMAN ANAYA: So, Commissioner, that includes the Española, Los Alamos, St. Vincent's?

COMMISSIONER STEFANICS: Correct. The staff recommendation that totals \$32,551,977.

CHAIRMAN ANAYA: Is there a second?

COMMISSIONER HOLIAN: Second.

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

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

XIII. C. Growth Management Department

1. Discussion and Direction of the Spur Ranch Road Rail Road Crossing (Growth Management Department)

ROBERT MARTINEZ (Public Works Director): Mr. Chair, Commissioners, Spur Ranch Road is a private road that intersects with the Santa Fe Southern railroad tracks in the Lamy area. This is in Commission District 5, by the way. This railroad crossing provides the only access to approximately 120 residences. The DOT is requesting that the County enter into a maintenance agreement with DOT to accept maintenance responsibilities

of this crossing. The County would also be required to fund and construct the necessary improvements at this crossing. Santa Fe Southern has received some developer contributions to make improvements to the surface of the tracks that can only be utilized if this becomes a public crossing.

Public Works Division hired Wilson and Company to conduct a diagnostic study to determine what improvements the County would be required to make at this crossing. The study has recommended installation of signage to warn motorists of the railroad crossing and install stop conditions on each side of the tracks. Also removing some trees and paving the asphalt aprons on each side of the tracks is recommended. The cost for materials for these improvements would be about \$4,000 providing that Public Works provided the equipment and the labor. The length of the right-of-way required for a County to maintain is approximately 100 feet in length. The advanced signage is about 200 feet outside of this right-of-way so these signs would need to be installed on the private roads.

Public Works is recommending that the Board allow the County Manager to enter into a maintenance agreement for this crossing with the Public Works making the recommended improvements. I stand for questions.

CHAIRMAN ANAYA: Any questions of Robert?

COMMISSIONER STEFANICS: Mr. Chair, I move for staff recommendation.

COMMISSIONER MONTROYA: Second.

CHAIRMAN ANAYA: Motion and a second. Any further discussion? I'd like to thank Gerard Martinez and the DOT for working this out with us.

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

XIII. C. 2. Update and Finding of Broadband Infrastructure Design for Media District/Santa Fe Studios Project (Growth Management Department)

DUNCAN SILL (Growth Management Department): Mr. Chair, Commissioners, I'm here today to give you an update on the broadband infrastructure improvement assessment related to the Santa Fe Studios project. The Santa Fe Studios project is an approved economic development project under our County Ordinance 2008-07 and pursuant to the project participation agreement that was executed between the County and Santa Fe Studios certain infrastructure improvements were supposed to be contributed by Santa Fe County, and they include water and wastewater extension to the media district, road improvement to the entrance, as well as broadband infrastructure improvements to that site, and this is related to Phase 1-A of the development which is also known as the Local Economic Development Act project which is known as LEDA, Phase 1-A also.

The Growth Management Department several months ago hired a consulting firm, PacketFront, to conduct an assessment and preliminary and conceptual design on some of the options and today I have Toby Johnson here to give you an update and the findings and recommendations on that report. Staff reviewed these findings and recommendations and we support the findings that Toby Johnson will present. I'm going to turn that over to Mr. Johnson right now.

TOBY JOHNSON: Mr. Chair, Commissioners, I believe we also have a handout of the slides, correct? We're going to begin on slide 2 which is titled Project Overview. Again, my name's Toby Johnson. I'm with PacketFront. We were given the task of essentially designing a fiber optic broadband infrastructure to provide the necessary connectivity to the Santa Fe Media Park and most immediately to Santa Fe Studios as defined in the Phase 1-A telecommunications infrastructure requirement pursuant to the LEDA agreement.

When designing a fiber-optic system such as this, essentially you're looking at making an infrastructure investment with a 30-year lifespan so it's quite important to also consider what some of the future uses and capabilities of this system could be for supporting other potential uses, community benefits or other partnership opportunities for shared use of the system, such as with the Santa Fe Regional Telecom Coalition which you'll be hearing about more in the next session. So we have considered some of those potential future uses while insuring that we'll still meet the immediate Phase 1-A requirement for Santa Fe Studios.

Over the past few months we have researched and evaluated all of the viable design options for designing the broadband system, and today I'm going to talk about what our findings and recommendations are on how to proceed with deploying a system like this.

There are three general parts to the fiber-optic system design, which I'll be discussing, those three parts being the fiber-optic local loop, the POP and carrier services. The fiber-optic local loop is the fiber-optic cabling that would be utilized for connecting the Santa Fe Studios location to a county POP facility. Fiber optic cabling, tubing installed underground and public rights-of-way. The County POP is a physical structure to be built. Essentially it's a building where you would install telecommunications equipment as well as a facility where fiber optic cabling would come in and be terminated and connected into the system, as well as providing battery backup and environmental type controls. The carrier services are the telecommunication services that Santa Fe Studios most immediately, and then other potential media park tenants would utilize for communicating with their various production partners around the world.

So why are these three components important? And the reason really is how when you look at how the LEDA agreement was drafted the requirements of the County are essentially to deliver the necessary infrastructure and bandwidth to the media park so that Santa Fe Studios can communicate with their various production partners, and that basic infrastructure that is required would be the fiber optic cabling and the County POP facility for housing all the equipment and connecting all the fiber optic. The role of the carriers is to essentially

provide the services that the Santa Fe Studios would need for communicating with their production partners, such as access to the Internet or the cloud type services.

Just to re-emphasize, it is not the interest or the intent of the County to become a telecommunications company and provide those types of services, it's the role of the County to invest in infrastructure, infrastructure that is critical to support the media park and to provide the infrastructure to carriers that they can utilize for delivering those services to the end users.

Moving to the next slide, I also included a high-level diagram of what the proposed system would look like. Not to go into detail at this point on this diagram, just more of a reference material, just to show where would the parts of the system be deployed and how is it all connected, how does it work? Also in the final report that PacketFront delivered to the County, we've designed this system at more of a GIS type engineering level to actually map out the cyber-routes and the placement of the POP facility and so on. So unless there were specific questions on the design, I was going to move on to the actual findings and recommendations.

So, next slide, project option #1. This design option would include a combination of the County building the fiber optic infrastructure, building the POP facility itself, and utilizing services from Qwest for providing access to the Internet, to the cloud, so that the media park, Santa Fe Studios, can communicate with their various production partners. This design also includes Qwest building some additional fiber to connect up to the County POP facility, and it also includes a wireless backup link to go from the Santa Fe Studios location to the POP. It was defined as a requirement that Santa Fe Studios would need 99.999 percent up time in and in order to achieve that we needed a wireless backup connection. That wireless link would include partnering with the state for use of their tower.

The estimated project cost for this particular option is approximately \$1.1 million. This should be considered a lump-sum budget, meaning that it includes all of the construction services to be performed, the procurement of materials, equipment, project management type services to oversee and guide the effort, as well as the actual services from Qwest itself for the first partial year of services, 2009.

What are the benefits of this approach? It's the most simplistic design, essentially the easiest to implement. It has the lowest initial cost, the lowers initial capital outlay, and we'll talk about that a bit more, as well as the shortest timeline to implement. The initial bandwidth requirement that was defined as part of doing the study is 100 megabits of bandwidth to the Internet. Qwest would be able to provide that service on their fiber optic network.

The drawbacks to this approach is that while it has the lowest initial capital outlay there are some limitations and drawbacks that come along with that. Notably, as bandwidth needs increase, as the Santa Fe Studios facility expands and adds more production facilities as well as as the media park grows and the bandwidth needs increase then this option becomes less attractive because there are higher costs that come along with procuring those types of services, as well as there are some limitations on the bandwidth itself, meaning 100 megabits is not just the floor, it's also the ceiling. So there would be some growth limitations

there as well. Furthermore this option would not support any future partnership possibilities for sharing use of the system with other folks such as the Santa Fe Regional Telecom Coalition. It should only be considered for the most immediate Santa Fe Studios need, really with a timeline perhaps of about one year. And furthermore, this design would not be able to facilitate connectivity to the New Mexico LambdaRail itself, which was also an important aspect of the overall design.

Moving on to project option #2, this includes the same build-out of the local loop fiber and the creation of the POP facility. However, it replaces the Qwest services with another firm called 360 Networks, who also have a fiber optic network here in Santa Fe. This design would require additional fiber built-out to reach the interconnection point with 360 Networks, and we'll talk about that a bit. It also includes the same wireless backup link. The estimated project cost is approximately \$1.4 million, and again, this is a lump-sum budget.

The benefits to this approach is that it would essentially be a much better fit for supporting not just the immediate Santa Fe Studios' needs but it would also be a much better design option to support future partnership opportunities and shared use of the system. Furthermore, the fiber optic design would essentially build fiber to the same interconnection point where the state's fiber is as well, and that would enable future connectivity and partnership possibilities with the state, as well as access to the New Mexico LambdaRail. It provides the same initial bandwidth services of 100 megabits to the cloud. However, an important differentiator is that this service offering from 360 Networks would enable the County to burst up to the full 1 gigabit speed of their connection, which basically means that you'd be getting more bandwidth at a better price point and more sharing opportunities of that bandwidth across the system.

The drawbacks to this approach is that there is slightly more budget involved and a slightly longer timeline. However, we still feel that it is within reason for the overall project requirements. While there's no initial LambdaRail usage, as I mentioned this design would essentially place fiber to the same interconnection point where the state is, so therefore you'd be in a much better position to have future connectivity with New Mexico LambdaRail.

And then project option #3, again, the same fiber optic build-out for the local loop and the POP. This design option is a bit more complex. It involves partnering with the state for utilizing space at the Simms building and some of their fiber optic cabling. It involves connecting to the fiber optic system at the same interconnection point on Alta Vista, which is where 360networks is as well. This option would also involve utilizing the state's [inaudible] or LambdaRail for that matter backbone network to reach 505 Marquette in Albuquerque, which is where you would be able to pick up other carrier services to the Internet.

And of course this involves the same wireless redundant link as well. The estimated project cost is approximately \$1.8 million, however, it's not a complete budget. There are still items to be determined, specifically the costs involved with utilizing any of the state's network or LambdaRail services.

The benefits to this approach is that it provides the greatest partnership opportunities and use of state and LambdaRail resources. It provides the best alignment to a local economic

development initiative, and really the main drawback being just the time and complexity involved with creating this particular design, specifically, there would need to be either policy changes made through state legislature, which would enable the state to make their network available to a private party, such as Santa Fe Studios to use bandwidth on their network, or the other option would be, the state to reach a new service level agreement with New Mexico LamdaRail or UNM for providing them with bandwidth on their fiber system here into Santa Fe, and then New Mexico LamdaRail or UNM could make that available to a party such as the Santa Fe Regional Telecom Coalition.

Those are the three general options that we identified as being feasible, with our main recommendation being option #2, primarily because of the services available through this option, the flexibility and the bandwidth that would be provided, the ability to scale and share that through future uses and partnership opportunities. We feel it provides the best overall economic model, based upon the immediate cost of services, as well as looking at how those costs, projected out over the next five to ten years, how they would increase over time compared to other options, as well as the ability to share those services amongst other parties.

I would say the next level of recommendation and if, for whatever reason project option #2 was not possible to materialize, then we would look at project option #3 as being the next most preferable, again, because of the amount of services available on that infrastructure as well as the partnership opportunities, and then with the – I guess what I would classify as the fallback option if #2 and #3 were not to materialize, then project option #1 would still meet the immediate requirements for the studio but not any future requirements beyond that. So we would have a very short timeline for fitting the project need. But again, it would meet the initial requirements.

One final note, project option #2 and #3 – project option #2 would not preclude the County from moving forward with project option #3 at some future point. As a matter of fact it would actually well position the County to move to project option #3 and partner with the state and LamdaRail once those types of agreements or policy changes could be made.

So those are our three final recommendations. Again, with the first recommendation being project option #2. I'd be happy to answer any questions relative to the three options, our findings, our recommendations, as well as we can talk about what some of the next potential steps could be to actually implement the system like this.

CHAIRMAN ANAYA: Thank you, Toby. Roman, are we required to put this in?

MR. ABEYTA: Mr. Chair, yes, as part of our development agreement with Santa Fe Studios, we had agreed that we needed to upgrade the fiber optic in order for that use to be out there.

CHAIRMAN ANAYA: Any questions?

COMMISSIONER STEFANICS: Mr. Chair.

CHAIRMAN ANAYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: Roman, so this was part of the planned budget on our part, or is this an unforeseen expense?

MR. ABEYTA: Mr. Chair, Commissioner Stefanics, no, we budgeted for this up to a million dollars. Anything above that we would have to negotiate or they would have to cover. But it was part of the original budget.

COMMISSIONER STEFANICS: And Mr. Chair, Roman, this was done by RFP process.

MR. ABEYTA: I believe this was. We either got quotes or maybe Duncan can address that. You're talking about this report that we presented today?

COMMISSIONER STEFANICS: Yes.

MR. SILL: Mr. Chair, Commissioner, this particular assessment because of the threshold amount, pursuant to the procurement code we were allowed to get quotes and go for a professional services agreement. Subsequent stages of this, because of the work that would be involved, we would have to go through a request for proposals procedure. So through all the previous process we selected the best firm to provide us with quote for this particular status report.

COMMISSIONER STEFANICS: So Mr. Chair and Roman, the company that provided this report to us, would they be eligible to bid on the RFP?

MR. ABEYTA: Mr. Chair, Commissioner Stefanics, it would depend on the work they did, specifically the specifications. They could be disqualified from submitting a bid for the bigger project. We would just have to look at the specifications.

COMMISSIONER STEFANICS: Thank you.

CHAIRMAN ANAYA: Commissioner Holian.

COMMISSIONER HOLIAN: Mr. Chair, Roman, where would the money for this actually come from? Would it come from the general fund or is there another source?

MR. ABEYTA: Mr. Chair, Commissioner Holian, I believe it's from the general fund and it was all part of the economic development park purchase and plan that we did.

COMMISSIONER HOLIAN: And I have a question for Duncan too, since he's here. I noticed that there were a couple of other aspects to the media project. There's road improvements and water/wastewater. And I was wondering how much those might cost and how far along we are on those.

MR. SILL: Mr. Chair, Commissioner Holian, we have started on the assessment of the traffic impact on the road improvement and that report will be finalized in the next 20 to 30 days and then at that time a preliminary conceptual design would take place and at that point we'll have an estimated project cost. But originally we budgeted for that particular improvement \$1 million to \$1.5 million for the road project, and then in regards to the water and the wastewater extension, we're waiting for the final easements to be obtained back from the State Land Office to begin that work. And the utilities department has taken that into consideration. I think the original budgeted amount was about \$800,000 for that. And we're hoping to be able to undertake these infrastructure improvements in the next 60 days or so as well.

COMMISSIONER HOLIAN: And do you think that all of this will be

completed this year?

MR. SILL: The original timeline that we're looking at is summer of 2009 for these three initial infrastructure improvements to the media district, and the purpose it serves is that it gets the Santa Fe Studios project ready for operations at that time and it is also anticipated that the studios will submit a development proposal within the near future to move their particular processes along and knowing that, because we have received grant funding from DFA and the Economic Development Department towards this project there are some timelines associated with those issues as well.

COMMISSIONER HOLIAN: And a lot of this work can go on simultaneously?

MR. SILL: Yes, they can.

MR. ABEYTA: And Mr. Chair, Commissioner Holian, I believe the original budget we set aside for this was anywhere between four and five million dollars, \$2.3 of which was going to be used to purchase the park. As part of this transaction, we're going to recoup that cost or some of it by selling the park to Santa Fe Studios, and the money came from general fund cash, because the \$4.5 million would be a one-time cost for us, to lay the water lines, the sewer line, make the road improvements. But Duncan can provide us with a summary of that. I think we put it together around six months ago.

MR. SILL: We also submitted that budget as part of the ICIP. It should be on that list as well, as identified infrastructure improvement cost.

COMMISSIONER HOLIAN: Thank you.

CHAIRMAN ANAYA: Commissioner Montoya.

COMMISSIONER MONTOYA: Mr. Chair, Roman, what if we need these funds for something else, in terms of covering our shortfalls, should we fall into that predicament.

MR. ABEYTA: Mr. Chair, Commissioner Montoya, that would be a discussion that we would have with the Board. But you're right. If we do – if we were to need cash and some of this hadn't been spent yet we would have to take a look at what we've committed to, and based on that, whether or not we can reduce any of this commitment to cover shortfall somewhere else. But like Duncan said, we are going to go after economic stimulus money that maybe can cover some of that \$4 or \$5 million we put into it. But you're right. If we have a terrible budget situation we may have to renegotiate.

COMMISSIONER MONTOYA: Let's say, worst-case scenario, we have to remove ourselves from that obligation, are there penalties on us for withdrawing from that obligation or perceived obligation?

MR. ABEYTA: I'm not sure what those are but we do have the development agreement that we entered into with them and I don't know if Steve knows right off the top what those are.

COMMISSIONER MONTOYA: Okay.

MR. SILL: Commissioner Montoya, I also want to add we've been looking at supplemental funding sources to ensure that this economic development project is viable. So

by that same token I've been working on the initial application for an EDA grant, which is the Economic Development Administration on the federal level, in addition to the economic stimulus plan. So we're looking to bring in resources to support these efforts in anticipation that there might be some fiscal challenges ahead of us.

COMMISSIONER MONTOYA: Have we heard anything else regarding the Governor getting that money removed from his pockets?

MR. ABEYTA: Mr. Chair, Commissioner Montoya, what we've heard, but just through back-channels and not anything official – nothing official yet, but until the money's in our hands, that appropriation – we may not realize it.

COMMISSIONER MONTOYA: And then what?

MR. ABEYTA: Then we would renegotiate and it could have an effect on whether or not this project goes forward.

CHAIRMAN ANAYA: Commissioner Montoya.

COMMISSIONER MONTOYA: I don't know. How soon do we need to move on this?

MR. SILL: You mean the infrastructure improvement?

COMMISSIONER MONTOYA: Yes.

MR. SILL: After this particular status report we're going to go and consider the next stage of engineering and construction. So we could actually go out and solicit requests for proposals. If the funding is not available then certainly we will not proceed towards engaging in those particular development and services. So we are monitoring the progression as we have available funding. So that would be the next major priority issue that staff would seriously have to take into consideration is to know that the funding is truly available.

COMMISSIONER MONTOYA: Okay.

COMMISSIONER HOLIAN: Mr. Chair.

CHAIRMAN ANAYA: Commissioner Holian.

COMMISSIONER HOLIAN: Duncan, I understand that we might close soon on that property with the LLC. Do you have any idea for when that might happen and how much money we would realize out of that?

MR. SILL: Mr. Chair, Commissioner, I believe that should happen, and Steve and Roman, feel free to weigh in on this, within the three- or four-week period. We're waiting on a couple of outstanding issues but the purchase price that we'll get from that proceed is \$2.6 million, or \$2.3 million. Is that correct, Steve?

MR. ROSS: It's \$2.6.

CHAIRMAN ANAYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. But I'm understanding now that the purchase might not happen if there is a problem at the legislature.

MR. ABEYTA: Mr. Chair, Commissioner Stefanics, that's correct. It may not happen if there is a problem at the legislature.

COMMISSIONER STEFANICS: So, Mr. Chair, while there might be a timing

issue, I don't think that we should be moving ahead with any obligations under we know – and I'm sure that they're nervous as all get-out, the owners, in the major or minor, about the project. And does it cost – I guess Mr. Chair and Roman, does it cost the County money to put out an RFP? Staff time?

MR. ABEYTA: That's right. Staff time to put it out.

COMMISSIONER STEFANICS: And I would assume that \$1 million, \$2 million RFP is not going to be an easy process.

MR. ABEYTA: Right. And it would take a lot of staff time and effort when you have to review the proposals when they come in and then do the interviews. So it could – you're right.

COMMISSIONER STEFANICS: Mr. Chair, unless we have an urgent need, I don't think we have any reassurance yet that the property is going to be sold to the company. And whether we want to move ahead with the infrastructure, which could benefit many other projects in the county, but we would be depending on this money from the sale. I just have some hesitation. Thank you.

CHAIRMAN ANAYA: Thank you.

COMMISSIONER MONTOYA: I agree, Mr. Chair.

CHAIRMAN ANAYA: So, Roman, when we worked out this deal, we said that we would – I know that we had infrastructure already in place, but we were going to upgrade some infrastructure and put in about another \$2.5 million? Or \$4.something million into infrastructure? That was the deal that – or that was the negotiation that we had in place?

MR. ABEYTA: Mr. Chair, yes. But the park, the infrastructure it has in it now is very limited. So whether it was this project or another one, we would have had to have made those upgrades anyways.

CHAIRMAN ANAYA: We told them that this is what we would do, if you bought the property and you put this media district in?

MR. ABEYTA: Yes.

CHAIRMAN ANAYA: So I feel that that's a part of our responsibility, whether – now, you said something about the legislature might be taking \$10 million away from the money that the Governor gave to the media district.

MR. ABEYTA: Yes.

CHAIRMAN ANAYA: But we don't know that.

MR. ABEYTA: No, we don't.

CHAIRMAN ANAYA: So I know that this money could help us in our other areas of the county, but we voted as a Commission to help do those infrastructure improvements. And now we're saying, wait? I don't know.

COMMISSIONER STEFANICS: Well, Mr. Chair, I might be missing something here but what I'm basically saying is I wouldn't want the County to put in the infrastructure and then not have the studio project. And so if there's been a commitment to the studio project, but if the studio project is going to go away because they lose their funding and their bonding and their loan from the state, then we would be eating not only the

purchase of the land, but we'd be eating another \$2 million, and we would get nothing out of it.

CHAIRMAN ANAYA: Commissioner Stefanics, I completely agree. I don't want to back out of it. I don't want to have to do this infrastructure and then they say they're not going to do that anymore. We need a firm commitment that that's going to happen and then we would do our part. That's what you're saying?

COMMISSIONER STEFANICS: Mr. Chair, that's what I'm saying. And I'm actually questioning whether we should hold off on the RFP process because the cost to staff and the entire process of going through a couple million dollar RFP, until we're sure. But I'm not sure about the timing here. Like if the timing issue is we have to hit the ground running March 15th when the legislature ends, to do this, then we would have to move ahead with the RFP. So I guess I need the advice of staff on that.

MR. ABEYTA: Mr. Chair, Commissioner Stefanics, part of this – what we need to do is engage Santa Fe Studios in this conversation because the Commission raises a valid concern. We definitely do not want to put money into this if we're not going to realize a studio. And so maybe what we do is if they're supposedly going to close soon, maybe that could be one benchmark that we look at. Okay, now we've closed, now what step do we want to take? Or the end of the legislative session is another benchmark. Now, that's over, we do have \$10 million or we only have \$5 million or we don't have any. So then how do we proceed at that point? So I think what we need to do is staff needs to sit down and kind of put together a schedule and timeline with these benchmarks. And talk to Santa Fe Studios also and get their input and just share our concerns, which I agree, we can't be spending money and staff time on something that may not come to realization.

So I think what we do at this point is we don't put out any RFPs. We sit down with them and staff and we start coming up with a timeline with these benchmarks that will make us all feel more comfortable. And we'll put, okay, after this, maybe the first one is the closing. Once you close, then we'll put out the RFP.

COMMISSIONER STEFANICS: And Mr. Chair, I definitely want to see this project move ahead. I think it's going to be a wonderful project. But in talking with representatives from Santa Fe Studios, they're nervous about the financing as well. So I would feel that in order to protect the County we should have the benchmarks and we should wait until we know that it's going to move ahead.

CHAIRMAN ANAYA: Okay.

COMMISSIONER MONTROYA: Mr. Chair, I agree with that. I think the other benchmark that we probably need to include in there is the legislature. Is it going to be still appropriated after the session has completed or not. Because those are two huge components – the closing and the \$10 million appropriation that's been allocated so far. The other thing I would ask, Roman, is that we look at what has been given to us today, going forward with Santa Fe Studios and the possibility that Santa Fe Studios may not happen and what benefit can we obtain from what's been proposed here still, for the County.

CHAIRMAN ANAYA: Okay. Thank you, Duncan. Thank you, Toby.

XIII. C. 3. Approval of Memorandum of Agreement to Formalize the Establishment of the Santa Fe Regional Telecom Coalition (Growth Management Department)

MR. SILL: Mr. Chair, Commissioners, I'm taking this one as well. For over a year now the Santa Fe Regional Telecommunications Coalition has been meeting to discuss regional telecommunications related issues, especially regarding broadband infrastructure in this particular region, and this coalition comprises of members represented by staff in the City of Santa Fe, the County of Santa Fe and the Santa Fe Community College. During last year's legislative session Representative Nick Salazar had carried the House Memorial 32 to recognize the efforts of this coalition and also requested the assistance and participation of the executive agencies on the state levels to help the coalition in addressing these particular telecommunications issues in the region. And we're here today requesting the formal establishment of the coalition in order for it to better enhance the planning organization seeking funding opportunities as well as prioritizing regional infrastructure projects.

The Santa Fe Community College approved this memorandum of agreement I think two weeks ago and the City Council is going to have this on their agenda on February 11. So attached the actual MOA which the respective legal departments have reviewed in the City, the County and the Community College. With that said I stand for your questions.

CHAIRMAN ANAYA: Any questions? Commissioner Stefanics

COMMISSIONER STEFANICS: Mr. Chair, I understand that this is based on prior action from the Commissioners?

CHAIRMAN ANAYA: I don't remember it.

MR. SILL: Mr. Chair, that's correct. There was a resolution that passed supporting the previous efforts and the House Memorial. It was done in February of 2008.

COMMISSIONER STEFANICS: By the Santa Fe County Commission?

MR. SILL: Yes. As well as respectively by the City of Santa Fe and the Community College. This is an intermediate step to further formalize this structure.

COMMISSIONER STEFANICS: Thank you.

COMMISSIONER MONTROYA: Move for approval.

CHAIRMAN ANAYA: There's a motion to approve by Commissioner Montoya.

COMMISSIONER STEFANICS: I'll second.

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

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

XIII. C. 4. Santa Fe County General Plan Update (Growth Management Department) [Exhibits 4 & 5]

JACK KOLKMEYER (Land Use Administrator): Thank you, Mr. Chair. Good afternoon, Commissioners. As you know, the beginning of next week and February we're going to start six to eight weeks of very intense meetings with communities throughout Santa Fe County on updating the general plan/growth management plan, and I wanted to take just a few moments of your time this afternoon to go over with you some of the important elements of those meetings and an update on the growth management plan.

In your packet you have three pieces of information: a memo from me and my staff, an outline of the charrette workshop that we'll be following a calendar, and then a little chart that shows the activities we'll be undertaking on each of the three-day workshop charrette sessions that we will be conducting. Robert Griego, Planning Director, is handing out to you two additional pieces. One of them is a more detailed chart of the charrette activities and then there is also a little pamphlet on the planning update process. And I'll briefly go over all these things with you and then answer any questions that you might have.

I'd like to start out with just a bit of a background summary information, especially for the two new Commissioners who haven't been with us since the start of a lot of the stuff two or three years ago so I just briefly wanted to remind everybody that the general plan/growth management update process actually started with a strategic plan for managing Santa Fe County growth that was adopted by County Resolution 2006-58, back in March 28, 2006. It was during this strategic planning process and the public presentations and the workshops and all the activities we held in relation to that that we really started to understand the direction that we were starting to move into. And most importantly at that time, the Commission at that time directed County staff to once and for all really help us to figure out where growth should occur in the county and how that growth would be supported by infrastructure and utilities. And that was the beginning of the process that we started on and since then of course as you know we've done the oil and gas ordinance and we've hired Planning Works and Dr. Bob Freilich to help us along on this process as well.

But the result was a strategic plan for managing Santa Fe County growth that included a vision and a description for a desired future for Santa Fe County. That plan also recognized that effective growth management should do five really important things at that time, which we have continued to follow all throughout the process. One was that we needed to direct growth to areas where services can be more economically delivered. Secondly, that we needed to zone to maintain the rural economy of the County and separations between communities. That really falls back to a zoning function. Thirdly, to direct and phase growth for the County to manage its operations, particularly over the next few years and especially in this difficult economic time that we've found ourselves in. Fourthly, to plan for efficient and sustainable energy alternatives. You heard some discussion this morning, where I was asked at a meeting yesterday, does energy efficiency and alternative energy figure into zoning in Santa Fe County, and of course as we know, at this point it does not, unless we're talking

about the height of a wind turbine or solar panels on a house. We don't take that into account for zoning, but it's clearly been an issue and a directive to us from the public and from Commissioners that we need to look at sustainable energy and alternative energy sources as part of growth management policies that we develop in the future. And finally, to better fund the operation and maintenance of County facilities and services, and that again was one of the reasons we chose to divide the county into four growth management areas so we could go throughout the county and know exactly what the issues with services and facilities – what the issues are, not only on the ground but also from the residents of those areas.

So the formal general plan update process began on December 4th of last year and we did a kickoff session on that date, December 4th, general plan update. Then as we've worked it out since that time, provides the County with the opportunity to take an active approach to direct growth to areas where provision of services such as roads, water, sewer and transportation are currently located, and where there's a plan to provide those services. As we know the current sprawl patterns throughout the county have resulted in development occurring in areas without adequate services. The County has identified the need to create a capital improvement plan, a CIP for services in order to ensure that new development can be adequately provided in the areas that we identify as growth areas.

There are three other really important things that we've continued to investigate and discuss with communities but with you as well since we have started the general plan/growth management update and one is the County's current zoning densities based on hydrologic zones that are based on the availability of water. And as we go back and we look at the very first general plan that we did in 1980-81, it really made a lot of sense at that time to look at how development occurred based on the availability of groundwater. But the result of the hydro-based zoning is that the base densities identified, going all the way back to the early 1980s have been significantly exceeded since that Code went into effect. Part of the problem is that density increases are allowed for water conservation when water conservation should be a standard for all development, not a reward for a four-fold density bonus or density increase.

The Code also allows for 2.5-acre lots in areas that base densities are much greater based on water availability. This low-density development pattern throughout the county has resulted in the inability for the County to provide adequate provision of services, including roads, facilities, and emergency services among a number of services.

Secondly, a very vital part of the growth management update when we started and now as we again continue to work is the role of ongoing community planning efforts. To date, Santa Fe County has adopted 12 community plans, three district plans, and the Board has approved eight community planning ordinances and two district ordinances. The adopted community plans will be incorporated into the general plan update. Existing and proposed community plans and ordinances may be refined during the plan update process consistent with community intentions.

And finally, the public participation process, not only in the community planning that we've done over the last six to ten years is important, but also community and public

participation in this update process is really one of the most important components for a successful general plan in the future. The County created four growth management areas for each planning process in order to identify specific issues and concerns within each of these areas. The fourth growth management areas are El Norte, El Centro, Galisteo and Estancia. The County plans over the next six to eight weeks to hold public workshops or charrettes, as we also refer to them, for each growth management areas where property owners, developers, public officials, citizens and other persons or groups working toward the creation of the general plan along with us.

The dates for these events will be the El Norte workshops will be held at the Pojoaque satellite office. They will commence next Monday afternoon and run three days up through Wednesday, February 4th. The second set of meetings will be in the El Centro area. We will conduct those at the Santa Fe Community College in the Jemez Room out there. They will begin Monday, February 9th, and run through Wednesday, February 11th. A third set of meetings will be in the Galisteo growth management area. We will conduct those meetings in the Galisteo Community Center from Monday, February 23rd through Wednesday, February the 25th. And the final set of meetings will be in the Estancia growth management area, and we will conduct those workshops in the Edgewood Senior Center starting on March 2nd and running through March 4th. And those dates are provided for you there on the handout after the memo.

What happens after that will be a very intense scrutiny of all the issues that we've gone over with the public and the information that not only has been provided from the public to us but all the information that we have amassed over this past year, and we will put together then some recommendations and drafts of the growth management plan that we have put together at that point and hope to begin a series of meetings them with the Community Development Review Committee, the CDRC, that will go through March, April and May. It will take us a while of course to refine the growth management plan but we hope to by the end of May have recommendations and a plan draft that will be available to come back to you the beginning of June.

So it is fairly ambitious but that's kind of the way at this point we like it. We think that we've gotten lots of feedback from various community groups of all stripes and we think that there's a tremendous amount of interest in what we're doing in the communities. So we really look forward, on your behalf, to going out into the communities and finding out what their concerns are and how we can best put it together in the best possible growth management planning strategy and plan that we can.

And finally, for your information, there's another chart that Robert passed out for you which shows you exactly what we will be doing at the charrettes. There'll be meetings of elected appointed officials. There'll be a kickoff meeting for each of the ones – the workshops that we do. There will be two days of very intensive charrettes or workshops or focus groups – whatever you want to call them. There will be meetings with groups of specific interests so we can really take on the issues of water, the role of water, for example, we heard from a number of people this morning from Matters from the Public about the

interest in water. Well, that's how we hope to take on a lot of those issues and dialogue about them. The issues of zoning and density. We have a pretty serious plan here of specific workshops that we will conduct.

Each one of these growth management area sessions will be concluded by a community workshop where we will come back with the issues that we have talked with the communities about and then again, provide them with some of the recommendations that we have for solving some of the many problems that we are faced with at this point.

And finally, we also put together again, not only for the public's interest but also for the Board and for our staff, a little presentation here on frequently asked questions about what we'll be doing with the charrette process here. For example, Why is a plan update needed? What's the focus of the updates that we'll be doing? And we've tried to answer a lot of the really specific questions that we've been getting from the public as concisely as we can answer them at the moment. Having said that I just want to conclude with comments on – just a brief comment. As we know, some of these problems and issues that we're facing are very complex, and we know it's going to take a huge effort on our part and a lot of really good dialogue with the community and the Community Development Review Committee and then the Board of County Commissioners for us to really come to grips with how to solve some of these. But we think that we're really on the right track. We've amassed an enormous amount of information that we've never had in the County before, and we look forward to the next six to eight weeks as being not only a challenge but an opportunity for us to solve a number of problems that we've wrestled with over the years.

Having said that, I stand for any questions or comments.

CHAIRMAN ANAYA: Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Jack. It's really ambitious, but I think it's really necessary for the County to do this, so I'm really glad that the County is undertaking this initiative. I'm still a little unclear about what is actually going to come out of all these things. Are we going to have sort of maps that are comparable to the LESA maps that we got out of the oil and gas ordinance that show the different tiers in the different areas? Are we going to actually have different elements come out, for example like an element on energy, alternative energy? If you'd comment a little bit more on that.

MR. KOLKMEYER: Mr. Chair, Commissioner Holian, yes. What will come out of this, out of the actual workshops will of course be a big jumble of stuff, issues that we've seen and comments back on some of the things that we're already presenting. Our goal is to craft a new general plan, a general plan update, a growth management plan. The way that we have set it up right now is in fact by elements. There will be a piece on transportation and economic development and energy and housing. All of those things will be addressed. We'll also have a really thorough series of maps like we did for the oil and gas and for the land suitability analysis. We're going to go through all of that.

One of the tools that we will be crafting will be a tiers map – not tears, but tiers, that will help us to see how we should start to think about where we should put growth. The tier map will have primary and secondary growth areas, conservation areas, agricultural areas and

community areas. The whole question again, like that came up with development review committees earlier in the day is this is a really serious challenge that's been put to us is how do communities view themselves? Do they want to have – what kind of representation do they have? Does Stanley view itself in the same way that Agua Fria does, that Chimayo does? And how should we deal with that. So there will be a communities component of the tiers map too.

The plan then will have all of these elements in with very specific recommendations on zoning and density and now we should deal with each of the elements, and then of course that plan translates itself later and simultaneously in some regards also to the redevelopment and the rewriting of the Land Development Code. So you'll get a plan ultimately, and you will get a Code.

COMMISSIONER HOLIAN: And the other thing that I'm really concerned about, and people who live in areas where there is no growth or it's agricultural land, if there are ways – if we could bring forward ways to remunerate people for not splitting their land, so to speak. Whether we can work with conservation trusts, perhaps, or use TDRs or something like that. Are we going to be looking into those mechanisms as well?

MR. KOLKMEYER: Mr. Chair, Commissioner, yes. We'll be looking into transfer of development rights. We'll be looking into conservation easements and conservation programs. We'll be looking into agricultural issues that come up and as many of the techniques that we can possibly take a look at. Now is the time for us to do that. Yes. Of course, one of the remunerations has been, up to this point, subdividing land to sell it and therein lies part of the problem also, that we've created some sprawling issues for remuneration needs. So we really have to take a look at that. It not only is what are the rights of private property owners and how are they best compensated for what they have, but also what are the best techniques for us to protect the very thing also that is the most important to the County and that's the landscape, meaning water, wildlife, and all the things that go along with it, because that is probably one of our most important products as well.

COMMISSIONER HOLIAN: And are you going to be looking into wildlife corridors.

MR. KOLKMEYER: Mr. Chair, Commissioner, yes. We had a wonderful workshop last week that was a whole day long of looking at particular species that we needed to be concerned about where they live and we're mapping all of that and we're going to have probably some of the best wildlife corridor and habitat information in the state as part of this plan.

COMMISSIONER HOLIAN: Okay. Thank you.

COMMISSIONER STEFANICS: Mr. Chair.

CHAIRMAN ANAYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you. Jack, there's a couple questions. For example, El Centro includes a variety of communities, and they're all going to come and they're all going to say well, we're different from each other. We have different needs. We have plans already in place. How do you envision the negotiation, if any, during these

charrettes?

MR. KOLKMEYER: Mr. Chair, Commissioner, that's a really good question. And of course we had a meeting with some of the residents from Tesuque yesterday, because they're, right now on the map, they're designated in the El Centro area and there's some concern that they feel they should be in the El Norte area because they have an association with the pueblos and also an orientation to the northern part of the county.

COMMISSIONER STEFANICS: Excuse me, just taking that example, Tesuque all the way down to Eldorado. That's a great variance.

MR. KOLKMEYER: It is, but again, there's a couple of commonalities there that we can start with to look at. Again, this is one of the reasons for the charrettes, so that we can bring members from these communities together to really answer the questions for us. We want to listen also to what some of those concerns are, so rather than just say, Oh, well, it should be this way or that way because things have really changed over the last ten or fifteen years. But there are some commonalities. For example, if you look at Tesuque, Agua Fria and La Cienega, they have all become traditional historic communities. That is they've taken into account the state legislation by becoming traditional historic communities that allow them not to be annexed.

So those three communities, for example, have an orientation to a municipality that Pojoaque does not have, that Madrid does not have, for example. That's just one example and I think as we start to look at what the commonalities are amongst them, and you can argue that Tesuque is night and day different that Agua Fria as is La Cienega, but they do have some common things within them. Issues of density, is 3/4-acre lots for a traditional community, based on wells and septic tanks. Is that appropriate for their health, safety and welfare into the future because most of these communities have not built out completely, should the densities change for example.

Roads, road connections, because these are smaller places, how they get connected. If you go into Tesuque you go to Chupadero and Rio en Medio and you're at the end of the line there, and that road comes back down into Santa Fe. So is that the best connectedness. Eldorado has brought up to us repeatedly that they would like to be connected to the Community College, for example, and over to Route 14. So I think that part of what we'll do in the charrette process, in the workshop process, we'll outline all of these issues and we'll find out where there are common threads and that will help us to be able to come up with some answers that can accommodate a number of these communities. Representation of course, a big issue for all of them. How are they best represented as communities to the Commission.

COMMISSIONER STEFANICS: And Mr. Chair, Jack, one of the concerns that's been posed to me is for example, the 285 Corridor Plan, that they already have a plan, and is anything about this process going to change their plan? What if their voice is not loud enough and other people come into the meeting and say, We don't like what you have in the 285 Corridor Plan. We want something different. And yet those people who live there spent a great deal of time working on that, getting it approved. What do you envision happening

there?

MR. KOLKMEYER: Mr. Chair, Commissioner, well, first of all, I think what we would want to do again would be to listen to what the particular issues are that they would bring up. If you didn't like the way that the 285 Corridor Plan was crafted, why? What is it about it that you didn't like or have there been new problems that have arisen since that plan was done, which was five or six years ago, I guess. So we would listen to hear what the problems were that people were raising, because again, don't forget, when we did that plan it was an offshoot of having a discussion – should there be commercial development in the greater Eldorado area or not? And the point that was made to us repeatedly then was we don't want any commercial development out there at all. Well, over the last couple of years, as commercial development has been focused in particular areas and the price of gas has gone up and other things, a number of people are now thankful that they have commercial development there.

So I think it's difficult to get to the answers for some of these so we first want to find out what the issues and the problems are. Secondly, for areas that have plans and ordinances, those are existing plans and ordinances. So we wouldn't do anything to them in the process until we came back probably with the Code rewrite. And then that would be up to the Commission to say we should change some of these ordinances or we shouldn't. But we would provide you with that information and the responses to what those problems were so that you could look at those and make those decisions yourselves.

COMMISSIONER STEFANICS: Okay, and Mr. Chair, what about the San Marcos Community Plan? What's its status? It's not approved, correct?

MR. KOLKMEYER: Mr. Chair, Commissioner, right now, again similar to I think the tack that we took this afternoon was the San Marcos Plan was adopted but the ordinance has not been adopted. So they have an adopted plan but they don't have an adopted ordinance at this point. I think again what we would like to do in this transition period is figure out what the role of these community plans and ordinances will ultimately be and have some discussion and make some recommendations again on do we want to do planning the same way that we did before with having development review committees. In the interim the plan stands and when there are ordinance, those ordinances remain in effect until they are changed. That ordinance has not yet been adopted. That's the status of it right now. I think we'll probably hear from them a lot as we have discussions in that particular workshop area and we'd like to hear again from them whether they want to proceed with the adoption of the ordinance or proceed with some change in a different direction. But right now, that ordinance has not been adopted.

COMMISSIONER STEFANICS: Okay, and Mr. Chair, Jack, who will be facilitating these workshops? Our County staff or Dr. Freilich and his team?

MR. KOLKMEYER: Mr. Chair, Commissioner, it will be a variety of us. My staff will be at all of these we have 10 to 12 charrettes, little small groups for each one. We'll be dividing that work up amongst our staff and also Planning Works staff. The beginning, the kickoff meeting and the public meetings will be facilitated primarily by myself and my staff

but the consultants will be heavily involved with the information at those meetings.

COMMISSIONER STEFANICS: Well, Mr. Chair, just a comment. I understand that our contract facilitators have a lot of expertise and they've really helped us with some final products. They're not always well received by the public here, and that's just a criticism that's come forward and yet our staff are not criticized as much, and our staff are usually appreciated when they lead. So I just want to point that out a little bit. Thank you.

MR. KOLKMEYER: Mr. Chair, Commissioner, thank you. Because we've been doing this for ten years in our communities we recognize what's going on with using consultants and our staff. And I think that the balance is that we respect a lot of the ideas and the tools that the consultants can bring to us when we're consistently also asked what have you looked at in other communities throughout the country and what other things do you bring to the table? They're very useful to us in that regard. We also recognize that we do have a certain trust and respect from the communities and therefore that's why I say we will front the majority of these meetings and use the consultants to help us conduct the charrettes and bring information to help us respond to particular issues where we need help. But we'll be there in the front to make sure that the community knows that the work is coming from us.

COMMISSIONER STEFANICS: Thank you, and Mr. Chair, I just would comment that I will try to get to probably the last sessions, like in the evening, to hear the summaries, but I doubt that I'll be able to sit through a couple of days worth. Thank you.

CHAIRMAN ANAYA: Thank you. Thank you, Jack.

MR. KOLKMEYER: Mr. Chair, I think Robert – did you want to add anything? Just one more little comment if we may from Robert Griego and then we're finished. Thank you.

CHAIRMAN ANAYA: Commissioner Montoya has a question.

COMMISSIONER MONTOYA: Not really a question, Mr. Chair. Well, maybe I do have one. I would say that we needed to look at all of these plans. A lot of them do not have water as the focus. I think our plan, our growth management plan needs to have water as the focus. We have the conjunctive management plan that is completed now, and I think unless we really look at water we're going to continue to have the type of growth that we've had, which is really been somewhat regulated but pretty much kind of a free-for-all. And the only way we're going to really manage it is with water. So I would ask that as much as possible that we try to make that the central focal point. That should be the common denominator amongst all these plans and it's really not even in there. So I would just ask that we consciously look at that and promote that. I think it's important that we let them know that this conjunctive water management plan is done and they need to know about it because it's going to affect the whole county and in some cases the region. But I would just ask that as the development of the growth management plan come along that we look at that aspect, the critical aspect.

MR. KOLKMEYER: Thank you, Mr. Chair, Commissioner Montoya. Again, and just to remember that when we did the 1999 general plan, we didn't have a water company. We were just evolving it at that point. So water was a totally different issue than it

is now. I think as we've heard from so many people we recognize that and you can rest assured that it will be really an important part of what we undertake. Thank you for your comment.

CHAIRMAN ANAYA: Thank you.

MR. KOLKMEYER: Robert, do you want to make a couple of final comments? Okay, Robert would like to make a clarification.

ROBERT GRIEGO (Senior Planner): Mr. Chair, Commissioners, Commissioner Holian brought up a point about how we were going to incorporate the community plans, and I think Jack addressed that, but it's not going to be a real easy process. Basically, what we're trying to do is bring the community plans into the general plan. So right now, they're stand-alone plans. Each community plan is a stand-alone plan which is an amendment to the County's growth management plan. Now, as we're doing the general plan update we're going to incorporate those plans in them but they're not going to look exactly the same. But we're going to try to bring in the elements of the plans in there. So that's the process that we're going forward right now and it's an important process. That's what our staff is working on doing and making sure that we bring each of the plans and to that end we are meeting with the stakeholders to try to meet with them as we go forward and basically bring that to them and get their input on that. So I think that that's a really important part of this process that we are doing our best to address. That's all. Thank you.

COMMISSIONER HOLIAN: I have a question. Do you think in the future, Robert, that we will continue creating community plans for other communities? Or will this sort of be it?

MR. KOLKMEYER: Mr. Chair, Commissioner, we're not certain at this point, because when we created the community planning ordinance and process it worked really well, but again, partly what we did by then, having the community plans and the ordinances then go into having local development review committees, that ended up only then dealing with specific development projects, if you look at the massive things that these communities started with – water, streets, wastewater, cultural issues – and then it boiled down to having some say in a development project.

I'm not certain that that was the result that we really wanted. What we wanted was more engagement in planning and planning issues and activities of not only just singular communities too, but groupings of communities. That's again why the growth management areas, we have Madrid, we have Cerrillos, we have Galisteo, we have Lamy, again with common problems going back to a point also that Commissioner Stefanics raised, is we're not sure how to deal with that yet. So maybe we have more planning that's regional, as compared to specific community plans, but that would engage those communities also about their issues, but bring it up into a different context.

When we started the Galisteo Community Plan they were more interested in what was happening outside of their community than inside the traditional community of Galisteo. So we had to say, Well, we can't solve some of those problems for you through the community planning process. Now we're seeing that the way that we're looking at growth management

planning now, we could solve some of the larger area problems if we have a different technique and tool and way to do that. So we're not certain what we'll get as we investigate this but it will probably be different, as Robert said, than what we have now.

COMMISSIONER HOLIAN: Thank you.

MR. KOLKMEYER: Thank you, Mr. Chair.

CHAIRMAN ANAYA: Thank you, both.

XIII. D. Matters from the County Manager

1. Update on Various Issues

MR. ABEYTA: Mr. Chair, the only update I have is to let the Commission know that you and I met with the City Manager on Friday at our monthly meeting. I let the City Manager know that Chairman Anaya is our new chairperson. We will continue meeting with both the City Manager and the Mayor at the end of every month. We talked about the jail advisory committee and that's where we got the name for the appointment today. We let them know that the courthouse construction has started up and we would be working closely with them when it come to water and sewer and right-of-way, permits, things like that, related to the courthouse construction.

Then we talked about maybe looking at joint projects we can do together, especially given the financial situation that they're in and that we're in. For example, a summer recreation program. Maybe there's more of a partnership there between us, the City and the Public Schools.

That was pretty much the extent of our meeting. We do meet, like I said, at the end of every month, so if there's any issues or concerns that you'd like us to raise with them we'd be happy to do that.

On February 10th we'll have a legislative update that will be near the middle of the legislative session, and so we'll provide an update to the Commission on the 10th. And then on February 19th from 10:00 to 12:00, ten in the morning to twelve noon, we are going to have our mid-year budget review with the Commission. That will be a special study session. That's one of the – one of the focuses during that meeting will be the youth development program and different options that we will want direction from the Commission on. That's what I have today, Mr. Chair.

X. OTHER MATTERS FROM THE COMMISSION

CHAIRMAN ANAYA: Commissioner Montoya.

COMMISSIONER MONTOYA: Mr. Chair, I just wanted to remind people to go vote on Tuesday, school board election in Santa Fe County. I believe it's just Santa Fe Public Schools and Pojoaque Valley Schools that are in Santa Fe County in terms of the

elections. Or do you vote in Moriarty, Commissioner? You do? So then Moriarty also.

CHAIRMAN ANAYA: Yes.

COMMISSIONER MONTTOYA: Okay. And then, Mr. Chair, members of the Commission, I just want to let you know we have scheduled pretty much all of the meetings with the pueblos, so if any of you are able to go – I believe, Roman, do you have that schedule also?

MR. ABEYTA: I have it. I'll have Micah distribute it tomorrow.

COMMISSIONER MONTTOYA: Okay. Then Mr. Chair, I wanted to clarify one thing and figure out how to correct misstatements this morning about us meeting in executive session to talk about the Aamodt and purchase of water rights last week. Any thoughts on how to correct – that's the type of misinformation people are getting and people are signing petitions not knowing what they're signing and that concerns me.

COMMISSIONER STEFANICS: Mr. Chair, on that point, I was wondering when that comment was made if we should have made a clarifying statement about the executive statement, because I totally agree with you that there's a perception that we did something we didn't.

MR. ROSS: Mr. Chair, Commissioners, I think it probably would have been appropriate to jump in and say something. I kind of went by me as it did all of us, but of course it's no secret that we discussed Middle Rio Grande water rights and the contract is going to be on a subsequent agenda of this body and I think we can let that person know that we're not discussing purchasing water rights in that reach of the river or even within 100 miles of here. In fact the consumptive management policy, it was helpful that we put the statement in that policy, we're not buying acequia water rights. Period. That policy statement has been approved by this body.

COMMISSIONER HOLIAN: Mr. Chair.

CHAIRMAN ANAYA: Commissioner Holian.

COMMISSIONER HOLIAN: I think there's another misconception out there. I've had a number of people say that with our conjunctive management plan that we have already decided which wells we're going to be using for that, and my understanding is that we're going to have choices. So I would sort of like for that to be clarified as well. Because I've heard these statements that, well, I know that you're going to use these wells and we're going to protest them.

CHAIRMAN ANAYA: Do we need to send something out in terms of a release to clarify what we heard today and answer those questions?

COMMISSIONER MONTTOYA: The only reason I didn't say anything was because it was in executive session and then if I'd said something well then we would have known that we didn't say that in executive session.

CHAIRMAN ANAYA: That was the key there because we're not supposed to be saying what we talk about.

COMMISSIONER STEFANICS: Mr. Chair, there is a point we could make about our executive sessions, is that we do not make decisions in executive session. We

discuss legal issues. So we could clarify, or maybe we turn to our attorney who makes a clarifying statement when something like that comes up again.

COMMISSIONER MONTOYA: Okay.

CHAIRMAN ANAYA: Are you done, Commissioner Montoya?

COMMISSIONER MONTOYA: Yes. Thank you.

CHAIRMAN ANAYA: Commissioner Holian.

COMMISSIONER HOLIAN: Mr. Chair, Commissioners, I just wanted to let you know that next week I'm going to a conference which is coming out of a program called America's Fund for Integrated Solutions. And I'm just going to read you a sentence about them. It's a national network of local governments forming to secure federal matching funds of up to 50 percent for projects that address broadly integrated system solutions and create new jobs while reducing environmental impact. So the idea is for various communities around the country – that is cities and counties – to get together and look at solutions that we can work on together for sustainability issues and even more importantly, look at banding together to secure funding for those solutions. So I'll have more to tell you after I get back.

CHAIRMAN ANAYA: Thank you. Is that it? Commissioner Stefanics.

COMMISSIONER STEFANICS: I'm silent at the moment. Take advantage.

CHAIRMAN ANAYA: I just would like to say that the Association of Counties is in Santa Fe. They have a conference at the Eldorado, and right now we have about 135 registered for that conference throughout the state. All counties will be represented there, all 33, and I'd hope the Commission – I know Commissioner Montoya was in a meeting all day yesterday with us, but if you other Commissioners and maybe staff could join us we'd appreciate that. Other than that I'll go to the attorney for Matters from the County Attorney.

XIII. E. Matters from the County Attorney

1. Consideration of and Adoption of the Annexation Phasing Agreement Between the City of Santa Fe and Santa Fe County

MR. ROSS: Mr. Chair, the first matter is the annexation phasing agreement with the City of Santa Fe. We're about 2/3, 3/4 of the way through all the various tasks that were set out for us in the settlement agreement concerning annexation with the City of Santa Fe that was entered into about a year and a half ago and this is one of the deliverables that that agreement calls for. Essentially, this was a task that the City of Santa Fe had for it in the settlement agreement, and they were assigned the task of determining when the various annexations would occur and commit to them in writing. So that's what this agreement does, it sets out a three-phase process whereby the annexations called for in the settlement agreement are completed. Phase 1 is going to be completed by the end of this year, and it's essentially the low-hanging fruit within the boundaries of the area to be annexed. There's little pieces all over the unincorporated areas that are identified in paragraph 2 of that

agreement and that will be annexed through some process no later than the end of 2009. That's obviously a misprint there that says 2008.

Then the second phase will be the difficult part of the annexation which is the Airport Road area, areas 2, 4, 5 and 7. Those annexations need to be completed, under this agreement, by the end of 2011. And then phase 3 of the annexation is all the rest of the area which includes the rural residential areas, the Hyde Park area adjoining the national forest to the east and a couple other small pieces.

So that's what's before us. There are several other major tasks that await us yet. One will confront those of you who are participating in the ELUA and will have to address the ordinance that will delegate authority as per the settlement agreement to the City and the County respectively, inside and outside the identified area that will be city limits for 20 years. So that will be coming up next. Then we'll have two more agreements: the water and sewer service area agreement still yet to be negotiated, and a law enforcement agreement that will be critical to get in place before the second phase of the annexation that's agreed to in this agreement that's in front of us. But I understand that the particulars of that agreement have been worked out between the City Police Department and the County Sheriff. So I expect that agreement will be the next thing you'll see after the ordinance that ELUC will see starting next month. With that I'll stand for questions.

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN ANAYA: Commissioner Montoya.

COMMISSIONER MONTOYA: So Steve, this is clarifying what we had already done?

MR. ROSS: Mr. Chair, Commissioner Montoya, this commits to a schedule.

COMMISSIONER MONTOYA: Oh, okay. So this is the schedule for what we already committed.

MR. ROSS: Right. It was very general before, and we agreed we would have a schedule, which is what this is.

COMMISSIONER MONTOYA: Mr. Chair, I would move for approval of this schedule.

CHAIRMAN ANAYA: Motion by Commissioner Montoya.

COMMISSIONER HOLIAN: Second.

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

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

CHAIRMAN ANAYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: The Las Soleras area, where does that fall in this schedule?

MR. ROSS: It will fall – it will be taken no later than phase 1, but I understand they have an annexation agreement on file at the City right now in connection with their work with the City. So we expect that that will go by the petition method before the end of the year.

COMMISSIONER STEFANICS: Before the end of 2009?

MR. ROSS: Before the end of 2009 on its own.

COMMISSIONER STEFANICS: Okay. Thank you.

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

MR. ROSS: Mr. Chair, there's no need for a closed executive session unless a member of the Board wants to discuss something. Actually, it's been very quite on the litigation front, surprisingly, for the last two weeks.

CHAIRMAN ANAYA: Well, I think we should just go in because we always have.

XV. ADJOURNMENT

Chairman Anaya declared this meeting adjourned at 3:40 p.m.

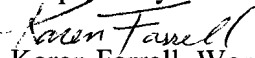
Approved by:

Board of County Commissioners
Mike Anaya, Chairman

ATTEST TO:

VALERIE ESPINOZA
SANTA FE COUNTY CLERK

Respectfully submitted:


Karen Farrell, Wordswork
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