

SANTA FE COUNTY
BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING

April 14, 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 3:11 p.m. by Chair Mike Anaya, in the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

Following the Pledge of Allegiance and State Pledge, roll was called by 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 Kathy Holian
Commissioner Liz Stefanics
Commissioner Virginia Vigil

Members absent:

[None]

V. INVOCATION

An invocation was given by Jim Timmerman from the Fire Department.

VI. APPROVAL OF THE AGENDA

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- B. Tabled or Withdrawn Items**

ROMAN ABEYTA (County Manager): Thank you, Mr. Chair. We do have some amendments with the first being under XI Consent Calendar, B. Miscellaneous, we added an item 2, which is a request for approval of an expenditure of community service funds in the amount of \$324 to the Community Service Department, Santa Fe County Fire Department to Support their efforts of emergency management during the 2009 Chimayo Pilgrimage. Under Public Hearings, Mr. Chair, XIII. A. 1, the ordinance amendment 2008-5

to revise the Pojoaque Valley Traditional Community District boundary map, I was just notified by staff that they are requesting that this item be tabled. And, finally, Mr. Chair, item 3 the request by Santa Fe Canyon Ranch for a County Water Service Area Boundary Extension is tabled and also item 4, CDRC Case DP/V 08-4500, PNM Camel Tracks.

The only public hearing we will have this evening, Mr. Chair, is the ordinance creating the low-income tax rebate and that has been noticed for 6 o'clock. So we won't be able to hear that until 6 p.m.

CHAIRMAN ANAYA: So you said item 1 is tabled under Growth Management.

MR. ABEYTA: Yes.

CHAIRMAN ANAYA: Okay, and items three and four.

MR. ABEYTA: Yes.

CHAIRMAN ANAYA: Yes, Commissioner Vigil.

COMMISSIONER VIGIL: Thank you. Thank you, Mr. Chair. Before we take action on this particular item, I actually had hoped that we would hear the PNM Camel Tracks feeder, that's item four on Growth Management. I have a concern and I'd like to propose that we give staff direction on this. I'm not sure why they decided to table, but this concern that I have, I think needs to be addressed before they come before the Board of County Commissioners. I'll just sort of give a little bit of history here.

The strongest economic development project that this County has is Santa Fe Studios. We're trying to create all the support to make that happen. What had happened when we initially approved that is the developer, Horton, who was going to develop the State Land property – and beside there had agreed to pay for the substation that PNM is saying is required to meet all of the utility needs for that growth area. That project I think no longer exists, I'm not sure whether Horton will be moving forward on that and my understanding is that he isn't. That made practical sense when we were initially considering this. However, at this point in time as we're moving forward with the Santa Fe Studios project, what PNM is now asking is that either Santa Fe Studios or the County or through a joint effort that we be responsible for the substation. That doesn't make sense to me. It needs to be explained further. What I would like staff to do before they come before us is to discuss this with PNM. We have a substation located at Richards Avenue that I think could fulfill the requirements for all the needs for Santa Fe Studios and it doesn't make sense to me that we are responsible for a substation because we have the Media District Park there. So, unless there's any other considerations from other members of the Commission I think those discussions need to be had before they come before us on this particular item.

CHAIRMAN ANAYA: Commissioner Montoya

COMMISSIONER MONTOYA: I'll just add that I'd like to see that in addition to this discussion that discussions from Santa Fe Studios maybe include alternative forms of energy that may be able to be placed out there. We have the wind turbine that we have on the Public Works facility that may be something that can incorporate into their

design if they haven't done so already. The potential of solar panels out there – there's no trees or obstruction for any sort of solar panels. So maybe incorporating that into this and see whether or not there may be a possibility that they can generate their own power without having to rely on PNM. PNM now asks us and them to essentially build a line for them – I don't know if that's within the scope of what we might want to look at or consider, but I would just lend that as some food for thought, Mr. Chair.

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

CHAIRMAN ANAYA: Okay, Commissioner Holian.

COMMISSIONER HOLIAN: Commissioner Montoya, I believe that, you know we're creating this energy task force under the RPA and I think and it is my intention that that is one of the first things that we'll look at, as a matter of fact, as to how we can make that happen.

COMMISSIONER MONTOYA: Okay, good.

CHAIRMAN ANAYA: Commissioner Vigil.

COMMISSIONER VIGIL: On the same subject, when we approved this project it did include energy efficiency and green building. I understand from the film industry that electricity might be a minor need for this project because most of the films can be created through generators. But it would be good to get an update on that. I do believe though that we took action on an energy efficient green building first time in the State of New Mexico economic development project. And I'm not sure if anybody is here from Land Use who can specifically address that but I agree with you Commissioner Montoya, it would be good to get an update.

COMMISSIONER STEFANICS: Mr. Chair.

CHAIRMAN ANAYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: Roman, I believe that PNM or some other entity has approached the Community College about a solar park. So I think that this needs to fit into the discussion as well, what sources of energy can come from there for that studio as well. Thank you, Mr. Chair.

CHAIRMAN ANAYA: Thank you, Commissioners, and good comments.

Okay, so we've got under items –

COMMISSIONER MONTOYA: Mr. Chair, move for approval of the agenda as presented by our county Manager.

CHAIRMAN ANAYA: Thank you, Commissioner. Motion by Commissioner Montoya.

COMMISSIONER VIGIL: Mr. Chair, I'd like to second that. Would the maker of the motion also include with the direction to staff to bring forth the PNM item with discussions on the substation?

COMMISSIONER MONTOYA: Absolutely.

COMMISSIONER VIGIL: Okay, I'll second that. That's all the energy efficiency component too, yes.

COMMISSIONER MONTTOYA: Commissioner Stefanics' comments, yes.
CHAIRMAN ANAYA: Any further discussion?

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

VII. APPROVAL OF CONSENT CALENDAR

A. Consent Calendar Withdrawals

COMMISSIONER MONTTOYA: Mr. Chair, 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 [5-0] voice vote.

XI. CONSENT CALENDAR

A. Findings of Fact

1. **CDRC Case # APP 08-5271 Armijo Appeal. John, Larry and Richard Armijo, Applicants, Requested an Appeal of the County Development Review Committee Decision to Deny a Home Occupation Business License. The Property is Located at # 4 Red Hills Lane, Via the Old Las Vegas Highway, in Canoñito, within Section 12, Township 15 North, Range 10 East, (District 4).
Approved 5-0**
2. **EZ Case # Var 08-5260 Hewlett Variance. Amy Hewlett, Applicant Requested a Variance of Article III, Section 10 (Lot Size Requirements) of the Land Development Code in Order to Allow Three Dwelling Units on 2.87 Acres. The Property is Located at 16 Ladera del Norte, within Section 4, Township 15 North, Range 8 East, (District 5) Denied Unanimously 5-0**
3. **CDRC Case # APP 08-5222 Adriane Neidinger Appeal. Adriane Neidinger, Applicant, Requested an Appeal of the County Development Review Committee Decision to Uphold the Land Use Administrator's Decision to Deny a Request for a Variance of Article III, Section 10 of the Land Development Code to Divide 9.08 Acres Into Two Lots. The Request for a Variance Was Denied**

Due To a Conditional Note on the Approved Spirit Wind Ranch Subdivision Plat Which States, "No Further Subdivision of These Lots is Permitted." The Property is Located at # 6 Cerro Alto, in the Spirit Wind Subdivision within Section 32, Township 15 North, Range 10 East (District 5) Denied Unanimously 5-0

B. Miscellaneous

- 1. Resolution No. 2009-77. A Resolution to Authorize Submission of a Grant Application to US Bureau of Reclamation for Water Conservation Program Funding Support for New Federal Funding Cycle FY10 (Growth Management Department)**
- 2. Request for Approval for an Expenditure of Community Service Funds in the Amount of \$325 to the Community Service Department, Santa Fe County Fire Department To Support Their Efforts of Emergency Management During the 2009 Chimayo Pilgrimage (Commissioner Montoya)**

VIII. APPROVAL OF MINUTES

A. March 10, 2009

CHAIRMAN ANAYA: I'll entertain a motion.

COMMISSIONER HOLIAN: Move for approval of the minutes.

CHAIRMAN ANAYA: Moved by Commissioner Holian.

COMMISSIONER STEFANICS: I second.

CHAIRMAN ANAYA: Second by Commissioner Stefanics. 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 address the Commission on any item that is not on the agenda? That means anything.

COMMISSIONER VIGIL: Neva, come talk to us. The League of Women Voters Transparency Project.

X. MATTERS FROM THE COMMISSION

A. Resolution No. 2009-78. A Resolution in Support of HR 1064 Youth Prison Reduction Through Opportunities, Mentoring, Intervention, Support, and Education (Commissioner Vigil)

COMMISSIONER VIGIL: Thank you, Mr. Chair. I don't think it's necessary to read the entire resolution unless any members of the Commission prefer it that way. Basically, this is a congressional bill. It's HR 1064, which is creating a focus for youth prison reduction. It is not unlike what our local community is doing with its juvenile board and our state, and I think tomorrow we will be getting more detailed information on what that does.

The Youth Promise Act also is a precursor to perhaps gaining some more funding in our community for law enforcement and for other projects, programs that would help in intervention and prevention and dealing with juvenile delinquency. And so with that, Mr. Chair, I stand for any questions.

CHAIRMAN ANAYA: Any questions of Commissioner Vigil? If not, is there a motion?

COMMISSIONER MONTOYA: Move for approval.

CHAIRMAN ANAYA: 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. OTHER MATTERS FROM THE COMMISSION

CHAIRMAN ANAYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: Nothing at this time. Well, actually, Mr. Chair, I did have a meeting with some staff – Roman, Joseph and Teresa to discuss the non-profit contributions to projects that might be approved by the County. And although it is a resolution, I've asked that it does have a public hearing so that if in fact any community groups wanted to oppose or voice their opinions that they would have that opportunity to do so. So I think it's going to be scheduled some time in May. Is that right, Roman?

MR. ABEYTA: Yes.

COMMISSIONER STEFANICS: Thank you very much. That's all.

CHAIRMAN ANAYA: Thank you. I'm glad you brought that up. That's a good idea. Commissioner Montoya.

COMMISSIONER MONTOYA: Thank you, Mr. Chair. Just a couple things. One, we're working on setting up a meeting with the City of Española elected officials to

discuss the Sombrillo PER, the preliminary engineering report. There was some interest on a couple of their couple of their councilors who expressed that they wanted to see and hear what the final recommendations were from that report. So we're working on setting that up, probably next Wednesday is what we're looking at. Actually, next Thursday, the 23rd. So we're hoping that we can get some participation. That's a tentative date until we confirm that.

The other is that I met this morning with Commissioner Corriz and Councilor Lucero from Española and Roman, I guess this is something I need to ask you to facilitate is a meeting for these three government entities to negotiate what it is that the percentage is going to be. Each one will be paying for the 911 joint powers agreement with Rio Arriba County, City of Española, Chama, us, and I forgot who else. Some of the pueblos that are also part of that. Because right now I believe it states in the JPA that was give to us, isn't it 12 percent?

MR. ABEYTA: Mr. Chair, Commissioners, yes. It's gone from three percent annual fee up to 12 percent.

COMMISSIONER MONTOYA: Which exceeds whatever amount that we had ever even discussed with them or agreed to so we need to get that in place. Because I think it's overdue, isn't it?

MR. ABEYTA: Mr. Chair, Commissioner Montoya, yes. We had recommended that the BCC table that JPA last meeting and you've done that. I've been in contact with the County Manager from Rio Arriba and we are planning on setting up that meeting. So that I'm clear the councilor from Española and the Rio Arriba County Commissioner want to be at the meeting and yourself, I would assume for the Commission.

COMMISSIONER MONTOYA: Yes.

MR. ABEYTA: Okay. We will coordinate that meeting and do that.

COMMISSIONER MONTOYA: Okay. And they were suggesting maybe Monday if possible. This coming Monday seems to be good.

And them, Mr. Chair, just one last thing. Look on your – for those of you who get cable, Comcast, look for your PSA and spokesperson, Commissioner Vigil, to talk about underage drinking during the prom.

COMMISSIONER VIGIL: And Commissioner Montoya for graduation.

CHAIRMAN ANAYA: Good.

COMMISSIONER MONTOYA: That's all I have, Mr. Chair.

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

Ch: Thank you, Mr. Chair, Commissioners. I just wanted to mention that last week I attended with Commissioner Montoya the Sustainability Leadership luncheon in Los Alamos, which was put together by the Los Alamos County Council. It was very well done and very interesting. We had a talk from a representative from ICLEI Local Governments for Sustainability Organization, and that's an organization whereby local governments can have a forum to help each other out on sustainability issues. And furthermore, they have software. If you join this, they have software that's available that helps you calculate your carbon

footprint and then calculate if you do something to help, exactly how much is it going to help you with reducing your carbon output. So I talked to Roman and we are going to be joining this. And it's only \$1200 or something like that and I think the software alone is worth way more than that.

The second talk that we had was by Kurt Yeager from Galvin Electric, and he gave a very interesting talk about smart grids and what they can do for you. Basically, one thing that he pointed out is the grid that we live with now is an antique. It really belongs to the early 20th century and we really have to move into the new smart grid technology. Los Alamos is in a particularly unique position to be able to do that because one, unlike almost every other community in New Mexico they actually have an excess of funding. And also they control their own grid right now so they can pretty much do whatever they want. So I think it's going to be very interesting to see if they move towards a smart grid technology. It will be sort of a proving ground in that it will be a model for the other communities in New Mexico who want to do that.

Also we had a tour of their solid waste transfer station and that was interesting too. I think they've got to be one of the leaders in recycling. They have 40 percent recycling in their county as compared to I believe we have about ten percent recycling in Santa Fe County. So I think that we can learn a lot from them about methods to recycle. And also they've done a lot of good research into how you market recyclables, where the markets are. So I will want to be talking to Regina Wheeler. She's in charge of their solid waste transfer station and get some ideas from her about what we can do. So that's all.

CHAIRMAN ANAYA: Great. Thank you, Commissioner. Commissioner Vigil.

COMMISSIONER VIGIL: Thank you, Mr. Chair. Just a couple of items. Along the resolution that we just took action on I just wanted to announce that our DWI program coordinator, and you have probably all received an email about this, is circulating information regarding the youth empowerment conference called Change Your Reality. This is a conference that will be held April 23rd and 24th and will include over 300 high school students from all high schools in Santa Fe, Pojoaque, Espanola, Chama, Ojo Caliente, and Moriarty. And the purpose of the conference is based on the theme change your reality, is to connect our communities to our youth and that connectivity is something that I can really appreciate DWI Planning Council and all the participants – there are many sponsors here in pursuing. I think the more we can engage our youth and our community the more likely we are to get future productive citizens. So I wanted to announce that.

The other item I wanted to speak to is the College of Santa Fe. I am participating in the Governor's task force on this. Let me just in a nutshell say, most of you probably already know what has happened with the College of Santa Fe through the newspaper reporting. In fact it's going to be very difficult at this point in time to resurrect the College of Santa Fe as we know it. However, the Governor has issued an executive order creating this task force, not asking to resurrect the College of Santa Fe but redesign and redefine it. So this task force,

which is composed of many talented people is working towards that initiative. I think the Mayor of the City of Santa Fe has been working directly with the stakeholders and many of the key staff people on this task force. He actually will be here tomorrow to give us an update on some of the communications he's had. He feels the City of Santa Fe is a huge stakeholder in what happens to the College of Santa Fe and I think the County of Santa Fe is also a huge stakeholder.

I'm not sure what it means. There are many alternatives that have been proposed but the overriding alternative and the reason I wanted to bring it up to this Board is I believe part of the problem the College of Santa Fe had in processing the request that Highlands purchase it was that a large part of the legislative delegation did not see it as a statewide issue; they saw it more as a local issue. And as a result I think this task force is taking and steering itself towards that direction. The Santa Fe Community College is a significant player and one of the proposals they have is that a learning center be created to bring in the best of the best of all the higher ed institutions. That would mean something similar to bringing in the social and educational component of Highlands, the engineering and perhaps hospitality center of New Mexico State, the School of Anderson from UNM coordinating with the current community college system and articulating students from one and two-year to three and four. There's a lot of issues associated with this.

I will just state that I feel Santa Fe County is a huge stakeholder in this and I'm creating as much support as I possibly can to move forward with the executive order that the Governor has pronounced. I think the task force is scheduled to terminate at the end of April and will be making recommendations to the Governor, and hopefully through his leadership and his support of this particular project we will be able to redesign the College of Santa Fe. And again, what I would just state for you, Mr. Chair, is the Mayor will be coming to our special presentation meeting tomorrow about 10:00. I'm hoping that we could move Matters from the Commission and have him just give us an update in the initiative that he's been working on with this at the time he comes to accommodate his schedule. But I stand for any questions if there are any with regard to this. I've been engaged in only two of the last two previous meetings of the task force, so I'll be happy to answer any if I know the answer.

CHAIRMAN ANAYA: Okay, any questions of Commissioner Vigil? Hearing none, thank you, Commissioner. Commissioner Montoya.

COMMISSIONER MONTOYA: Not a question but just a comment. I did see the Mayor this morning and he did mention that the City is going to be presenting a resolution and he'd like for the County to do the same.

CHAIRMAN ANAYA: On that?

COMMISSIONER MONTOYA: Yes.

CHAIRMAN ANAYA: On the College of Santa Fe?

COMMISSIONER MONTOYA: Yes. So, is that going to happen tomorrow?

COMMISSIONER VIGIL: No.

CHAIRMAN ANAYA: Okay, I just have a couple items and that's how is the

advisory committee report looking?

MR. ABEYTA: Mr. Chair, we have quite a few advisory committees. We're discovering some that we weren't even aware of. Julie Berman with my office is creating a spreadsheet, but it's turned out to be a much larger undertaking than what we had thought because when it comes to committees we're all over the place. Some committees have certain rules, other committees don't. So it's going to take an effort with both my office and Legal to kind of pull everything together and we should be able to provide a general update or a report to you, if not at the next meeting, within a month. But it's turned out to be quite a task because there are quite a few committees out there. I don't think we realized how many there were.

CHAIRMAN ANAYA: Okay. And just to refresh my memory, we want to know what committees are out there, and how these committees help the County Commission in decisions and they should have processes that they follow, Robert's Rules of Order and such. That's what I'm talking about. So is that –

MR. ABEYTA: That's what we're doing. Yes.

CHAIRMAN ANAYA: And whether we might need that committee or not need that committee.

MR. ABEYTA: That's right.

CHAIRMAN ANAYA: Okay. Good. And then the special presentation was mentioned a few times today and that will happen tomorrow at 9:00 so we want to make sure that we get our Manager there.

MR. ABEYTA: I'll be here.

COMMISSIONER STEFANICS: Mr. Chair.

CHAIRMAN ANAYA: Yes.

COMMISSIONER STEFANICS: You just reminded me of something. Could we perhaps put on our next agenda a report on the radio coverage of the Commission meetings that was brought up earlier this year?

MR. ABEYTA: Yes, we'll do that.

COMMISSIONER STEFANICS: Thank you.

CHAIRMAN ANAYA: Thank you. Okay, then that concludes the Commission reports.

XII. STAFF AND ELECTED OFFICIALS' ITEMS

A. Matters From the County Manager

1. Update on Various Issues

MR. ABEYTA: Mr. Chair, the only thing I have is that we have kicked off our budget hearings with each department and elected official's office. We're about halfway through. So far things are going well. We're trimming our budget where we can. The elected

officials' offices that we met with so far have been the Clerk and the Sheriff and they have both been very cooperative and have reduced their budgets. So I think again the goal is to bring you a balanced budget some time in May at probably a special meeting we'll have. But I think we're going to get there. If not there, pretty darn close. We've had a good response from not only, like I said the departments but also the elected officials. But that's at the halfway mark. I still have to meet with the Assessor's office, the Treasurer's office and a few of the other departments but so far so good.

CHAIRMAN ANAYA: Okay. Good. And I know that it's tough to cut, but I'm glad to hear that the two departments that you have met with are working closely with you. Any questions of Roman on that?

XII. B. Matters From the County Attorney

1. Executive Session

a. Discussion of Pending or Threatened Litigation

c. Discussion of the Purchase, Acquisition or Disposal of Real Property or Water Rights

MR. ROSS: Mr. Chair, we need a closed executive session to discuss pending or threatened litigation and discussion of the purchase, acquisition or disposal of real property and water rights.

CHAIRMAN ANAYA: Okay. Is there a motion?

COMMISSIONER VIGIL: I move we go into executive session for the purposes stated by our attorney.

COMMISSIONER HOLIAN: Second.

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

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

CHAIRMAN ANAYA: Can we come back at 5:00 or do we have to be here at 6:00?

MR. ROSS: Mr. Chair, we could do the executive session then disperse when we're done with that, and come back at 6:00 and close the executive session at that time and start the ordinance.

CHAIRMAN ANAYA: But we have to be here at 6:00 though.

MR. ROSS: We have to be here at 6:00 if you want to hear the ordinance tonight.

CHAIRMAN ANAYA: Okay. We'll be back at 6:00 then.

[The Commission met in executive session at 4:25 and reconvened at 6:05.]

XIII. PUBLIC HEARINGS

A. Growth Management Department

1. Ordinance No. 2009-2. An Ordinance Creating the Low-Income Tax Rebate

MR. ROSS: Mr. Chair, members of the Commission, what's before you is the proposed low-income property tax rebate. We've discussed this several times. The Commission authorized publication of this ordinance some months ago and it's been discussed by this body several times. It's been advertised for adoption tonight and we need to have a public hearing. Mr. Chair, how this works is there's a matrix in your packet on the first page of the staff report. If a person – let's say a person whose modified adjusted gross income for purposes of state taxation is \$20,000 annually, you go down the matrix, you find that that person can claim a rebate of 40 percent of property tax liability that they paid on their house to the County. So if their property tax liability was \$1,000 they could claim a rebate of \$400 on their state income tax return if this ordinance becomes law.

Now, if you turn to the last couple pages of the staff report you'll see a couple pages from the New Mexico income tax return. And this is how you claim the credit, were this ordinance to be adopted. You see the PIT-RC schedule that could go along with your state income tax return. If you look at the second page, section 4, you'll see that the state already has a place in here to claim the rebate, and at the present time only Los Alamos County residents are able to claim the rebate. And I have circled that clearly on the form. The area of the state income tax form that you would fill out if you want to claim the credit.

What you'll see in the booklet that comes along with your income tax returns is you'll see essentially the matrix that's on the first page of the staff report reprinted in that publication so you know how much to claim. Now, once somebody claims the property tax rebate and the department approved the tax return of course, then the department bills the County for the amount of the rebate. And the County must pay the amount billed within 30 days. I think they aggregate a whole year's worth of returns some time after April 15th and send us a bill for all of them at once.

You'll see in the packet I have made some minor changes to the proposed ordinance to very clearly set out that the tax year to which the ordinance is applicable is the 2009 tax year, the year that we're in right now, and all subsequent tax years until the ordinance is repealed. I believe, although I'm not certain, but I believe that that's how Los Alamos County does it. So now if the ordinance is adopted tonight or on some subsequent meeting, every two years from now we'll have to have a public hearing in January on the subject of whether the ordinance should be repealed, just like we did this year.

I believe Teresa has looked at the fiscal impacts of the proposed ordinance and can fill you in on some of those details, but aside from that I don't have anything further and I'll just stand for questions.

CHAIRMAN ANAYA: Any questions of Steve? Okay, Teresa, did you want to tell us what the impact is going to be?

TERESA MARTINEZ (Finance Director): I don't know. This is a tough one. I prepared a fact sheet and I can get a copy to everyone. I have a fact sheet of all the known facts, but the unknowns for us, in order to determine what that impact would be are: we don't know the number of taxpayers that would be eligible or claim this tax rebate; we would not even begin to figure out what the property tax value is for those eligible taxpayers if they were to try, and when I contacted the state I asked the state how they would determine whether the taxable value for any single property for which a rebate was claimed, and they basically will take it at the word of the taxpayer. So they have no mechanism in place to verify what the taxpayer is claiming, and then in turn there'd be no way for us to verify what we're being billed by the department. When I asked the state what they would send us it would simply be a flat amount. They wouldn't have any detail as to how they came up with the rebate amount or the loss of revenue to the state based on these tax rebates.

So I looked at some information. According to the US Census Bureau from the years of 2005 to 2007 there's 6,185 households in Santa Fe County where the income is less than \$25,000. So if I assume that every one of those households would claim the tax rebate, and I capped it at the most that they could claim, which is \$350, that would be a \$2 million liability for the County. Now, do I think it's going to materialize at that level? No. I can't tell you. I spoke to Patricia Herrera from the state and she indicated that Los Alamos County does currently have this in place, and she indicated that in tax year 2007 they had 77 accounts or taxpayers that were claiming it. And it's not even comparable because the community of Los Alamos is much smaller than Santa Fe and then the ratio of individuals making that threshold of income, less than \$25,000 is obviously much smaller. So I can't really predict it. Worst case scenario, \$2 million.

Right now, do I think it's worthwhile to consider the \$1 imposition? No, I don't think it would be beneficial with regard to the administrative nightmare that it would become specific to the dollar value that it would bring in. So this is one of those where obviously, we're in a recession year, but by the same token this would benefit the taxpayers in our community. So I couldn't give you a dollar value, but I could just give you some unknown facts and we'd have to wait and see. We'd have to wait and see who would take advantage of this and what the liability would become. I think it would be negligible in the beginning. If it materialized to a higher dollar value then we may have to consider imposing that up to \$1 value.

CHAIRMAN ANAYA: Okay. I've got a question. Walk me through this, because I'm trying to understand it. Let's say I make between \$16,000 and \$18,000. And my taxes would be \$500 a year. Okay? Property tax. I can receive up to 50 percent, so I can

receive up to \$250 rebate. So do I pay the \$500 and then apply for the rebate and get it back from the state?

MR. ROSS: Yes. Mr. Chair, you will pay your property taxes to the Treasurer like you always do, probably in two installments. But then when you file your state income tax return, even if you don't have state income tax due you claim the credit and you get the \$250 back from the State of New Mexico. Then they turn around and bill the County.

CHAIRMAN ANAYA: Oh, and then they bill the County to recoup that. Okay. Questions? Commissioner Vigil.

COMMISSIONER VIGIL: Thank you. I'm really in the same position that you when I look at this, not really certain about what the consequences may be, perhaps have a stronger sense of internal certainty about the immediate, but not knowing that this would somewhat of a floodgate that would unfold, especially as I hear you say that even Patricia, who you've been communicating with, doesn't have a really strong sense of how this could be accurately accounted for. Let me ask you a question, and Roman, you may want to chime in on this. Whenever we do something like this and I think it does create a benefit and a public service, I always think we need to look at how we would make it up somehow. One of the things I recall from the budget review process was the fact that our Assessor had talked about creating more assessor positions in that office and made the statement that in fact if that occurs there would be more assessments that could be done and more accurate assessments. I'm not sure that you know this. I'm wondering if where you know that is and that through administration we're thinking that that is the outcome that may result. Perhaps if it is this may be the venue in which we make up for some of this. Because I'm assuming these dollars are going to come from our general fund.

MS. MARTINEZ: Yes. That's correct.

MR. ABEYTA: Mr. Chair, Commissioner Vigil, we have met with the Assessor and we think he has justified us funding five positions for him. Remember, his original request was eight. We said we'll do five but we'll do it on a term basis so that we could actually see if what he is saying materializes. So we've approved five term positions for two years, and that way we think at that point we will see that if indeed it did justify it then the positions could become permanent. But based on the figures he's give us we think it would be a worthwhile investment to give him those positions. Not all eight, but five of them.

COMMISSIONER VIGIL: And does he have further accurate figures, Roman, with regard to how much more collections we would be receiving? Or is he estimating a figure?

MR. ABEYTA: He's estimating, but we think his estimate is pretty accurate. He's using facts like building permits that we know we have issued, plats that we know that we've approved that create extra lots, and properties that he knows of that they just haven't gotten out. So we feel pretty comfortable with the numbers he is giving us.

COMMISSIONER VIGIL: And really, what I'm alluding to in terms of an offset for us enacting this, would this accurately or at least come close to offsetting the

impact it might have on our general fund?

MR. ABEYTA: First of all, like Teresa said, it's hard to determine the exact amount but we think it's going to be small. If it is something that does start to gain a lot of momentum and does get really big we always have the option of going back and the Commission authorizing or the Commission giving us the authorization to go out to the taxpayers to impose that one dollar property tax increase. So we always have that option available in year two, three, four, five, if and when we ever need to impose that.

COMMISSIONER VIGIL: It seems to me that there are some unknowns here, so my next question would be to you, Mr. Ross. Is it possible to sunset this and perhaps get some accurate accounting and at that point in time have the opportunity to extend it?

MR. ROSS: Mr. Chair, Commissioner Vigil, I think you have to have the ordinance in place two years, but it is possible to sunset it.

COMMISSIONER VIGIL: Okay. I'm just wondering from a fiscal perspective if that might be a safety net perhaps that would give you the opportunity to see how we are impacted, and then at some point in time do the assessment and then maybe be able to come back to the Board of County Commissioners and say this is where we're at, and we have some data and we do see a trend analysis here, perhaps not. So if we actually – would we have to amend the ordinance to include a sunset provision?

MR. ROSS: Mr. Chair, Commissioner Vigil, there's already kind of a sunset ordinance in it and that's Section 3 of the revised ordinance that provides for an appeal after the bi-annual public hearing. We can always do that.

COMMISSIONER VIGIL: And is there a timeline for that repeal?

MR. ROSS: Well, after the next – in 2011, after the public hearing is held on the question of whether the system should continue.

COMMISSIONER VIGIL: So that's what I missed. It's an annual review.

MR. ROSS: It's a bi-annual review.

COMMISSIONER VIGIL: Bi-annual. Okay.

MR. ROSS: So after you've had that public hearing you could decide, well, it's costing too much, or it's not really helping people and we want to repeal the ordinance, and just go ahead and repeal the ordinance at that point.

COMMISSIONER VIGIL: Of course from a policy perspective it's more difficult to repeal something like this because if there are taxpayers out there who are actually receiving the benefits from this, this is something they will actually be counting on. Thank you, Teresa. Thank you, Roman and Steve. Thank you, Mr. Chair.

CHAIRMAN ANAYA: Yes, Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. Teresa, I had the opportunity to talk with our Housing Department and Division and I was enquiring what it would take, what kind of annual salary it would take to buy a \$150,000 home, that sometimes can be found and sometimes can't be. And I was told it would take about \$35,000 with no debt. And most people carry debt, whether it's for a car or a vehicle, credit card, medical

bills, whatever. So I started figuring out how many people could possibly qualify for this and the amount of money for an income is so significantly low. We're not talking about new homeowners. So I started to kind of figure out, and I would like for you to add to it, I started figuring out that we're really talking about seniors who have had houses for a long time and might be on a fixed income. We might be talking about family members who have inherited property. And maybe we're talking about people now who have lost their jobs. Are there any other populations you could think of that would qualify to own a home at \$24,000 or \$25,000. You'd have to have an income of \$35,000 just to buy a \$150,000 house. But am I missing some population, do you think?

MS. MARTINEZ: Mr. Chair, Commissioner Stefanics, I don't think so, because when I worked with our Assessor's office to see what the threshold would be for our current affordable housing, you basically have targeted it. In that case it's over the age of 65 and then disability. So I don't know if there'd be any disabled taxpayers out there that might fall into this category. But I think with what you've mentioned you've probably captured everyone.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. I just wanted to clarify the population. Thank you.

CHAIRMAN ANAYA: Okay. This is a public hearing. Is there anybody in the audience that wants to speak? Hearing none, it's closed. Go ahead, sir, come up.

FRANK KATZ: Thank you, Mr. Chair, members of the Commission. My name is Frank Katz. I'm the Santa Fe City Attorney. I would highlight a couple of things. One is that the maximum rebate is \$350 as was mentioned, and that there is this biennial review that's required that would trigger re-looking at it every two years. One other point is that the amount of the rebate is only on the County and City operational imposition. So it's not on the state, it's not on any of the bonds, the City bonds, County bonds; it's only on – the City has what? The 2.6 percent mill and I don't know what the County millage is on operating. It's substantially higher, I believe.

So if your property tax bill is \$1,000, you don't figure the rebate on \$1,000 you figure it on probably substantially less than that. It doesn't include the school district; doesn't include the state. It's just the City and the County operational. So that brings it down substantially I think also.

And the other thing I would note of course is that this part or one of the provisions of the annexation settlement agreement with the City, is that we are proceeding apace to try and get implemented. And the settlement agreement says that the County agrees to adopt the ordinance pursuant to that section. The annexation settlement agreement, Section 3.P says, "The County agrees to adopt an ordinance pursuant to Section 7-2-14.3 to provide a personal property tax rebate for low-income taxpayers who have their principal place of residence in the county", and if deemed necessary by the Board of County Commissioners, to adopt a resolution submit to the voters for that one dollar tax.

CHAIRMAN ANAYA: Any questions of Frank? Thank you, Frank.

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN ANAYA: Commissioner Montoya.

COMMISSIONER MONTOYA: You're talking, the City-County millage is a combined. That's the combined amount that would be reduced.

MR. KATZ: Mr. Chair, that's correct, but there is operating millage, and I think probably both the City and the County have bonds that are funded through the property tax. It wouldn't include that. It would just include the operating millage, and just for the City-County, not for the schools.

CHAIRMAN ANAYA: Okay. Thank you, Frank.

COMMISSIONER VIGIL: Does that mean, Mr. Chair, that irregardless of enacting this that the schools are made whole?

MR. KATZ: Mr. Chair, members of the Commission, the imposition of the schools is not rebated to the taxpayer, so the homeowner doesn't get back the tax they paid for the schools. They're only getting back the tax that they paid to the City and the County for the operating levy.

COMMISSIONER VIGIL: Okay. I see the distinction you're drawing. So in effect, the answer to my question is the schools are not impacted.

MR. KATZ: The schools are not impacted.

COMMISSIONER VIGIL: Thank you.

CHAIRMAN ANAYA: Councilor.

KAREN HELDMEYER: Hello. My name is Karen Heldmeyer. Nice to see you all again. Some of you I've seen more recently than others. I am thrilled that the County Commission is considering this because this is something that we tried to do at the City for a long time, and we found out that we couldn't do it because of the nature of the state law. And state law gives you the opportunity to correct one of the biggest problems in our community, which is the number of people in our community who are property rich and cash poor. And whatever district of the county, whatever district of the city you live in or you represent people who have that problem are there, and for them, paying their property taxes is often very difficult.

I first got interested in this because this is something that's done in almost every state in the union. The last time I checked it was 44 states. It may be plus or minus a few since then. But certainly my home state of Michigan that does this, and my mother benefits from this. I just was back in Michigan and I filled out her Michigan income tax form. She doesn't have to fill out a federal form because the only money she has is her Social Security and her pension as a former state government worker, and that puts her below the poverty line. But the ability to get a portion of her property tax rebated is what's keeping her in her house and allowing her to continue to live there. And that's true for many, many other people. Michigan especially, as you know, is going through very hard financial times right now, but it's also the case here, and it's surprising that New Mexico has not been in the forefront, because especially northern New Mexico, we really have much greater income to property inequities

in this part of the state and in this part of the country than exist in a lot of other areas, and it's time we started addressing this problem.

Passing this law will not correct the whole thing but it will put us on the road to trying to help those who are seniors who are trying to stay in their homes, families who are trying to hang onto traditional homes, and it's something that will affect only the City and the County. It doesn't affect the schools. It doesn't affect the Community College, and it's something that really would put us on the road to getting that equity that is so important to everyone in our community. So I thank you for considering this. Thank you.

CHAIRMAN ANAYA: Thank you, Councilor. Next. I'm going to have to put a time limit on Carolyn

CAROLYN STEPHENSON: I wasn't even going to speak on this. Actually, I want to respond to Commissioner Vigil's comment. I actually feel that it's a very good thing that the County or the Assessor is hiring five new employees because those employees, if used properties can assess more equitably the properties in Santa Fe County more often, and then you would realize monies that would counterbalance this good work. So when Karen mentioned that this is a much bigger problem, it really is. And so just chipping away at it in little ways is very good. Doing this for those in most need on one side, and then hiring these new assessors to keep up with the revenues that you could be realizing on another is the beginning of addressing a huge, huge problem.

CHAIRMAN ANAYA: Thank you. Anybody else want to come forward?
Okay, that closes the public hearing. What's the pleasure of the Commission?

COMMISSIONER STEFANICS: Mr. Chair.

CHAIRMAN ANAYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: I move adoption of Ordinance No. 2009-2.

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

COMMISSIONER HOLIAN: Second.

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

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

XIV. ADJOURNMENT

Chairman Anaya declared this meeting adjourned at 6:25 p.m.

Approved by:

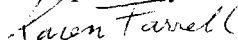
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Board of County Commissioners
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Board of County Commissioners
Mike Anaya, Chairman

ATTEST TO:

VALERIE ESPINOZA
SANTA FE COUNTY CLERK

Respectfully submitted:


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