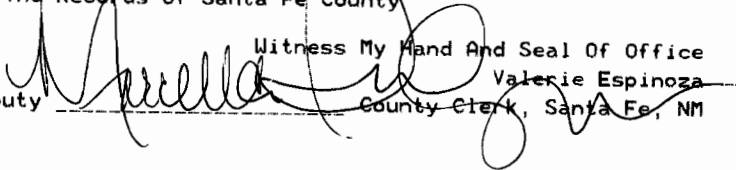


COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

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SANTA FE COUNTY

BOARD OF COUNTY COMMISSIONERS

REGULAR MEETING

July 10, 2012

Liz Stefanics, Chair – District 5
Kathy Holian, Vice Chair – District 4
Robert Anaya – District 3
Danny Mayfield – District 1
Virginia Vigil – District 2

SFC CLERK RECORDED 08/15/2012

SANTA FE COUNTY

REGULAR MEETING

BOARD OF COUNTY COMMISSIONERS

July 10, 2012

This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 2:20 p.m. by Vice Chair Kathy Holian, in the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

Fire Chief Dave Sperling led the Pledge of Allegiance and Mindy Chambers led the State Pledge, following roll call by County Clerk Valerie Espinoza which indicated the presence of a quorum as follows:

Members Present:

- Commissioner Liz Stefanics, Chair [late arrival]
- Commissioner Kathy Holian, Vice Chair
- Commissioner Robert Anaya
- Commissioner Danny Mayfield
- Commissioner Virginia Vigil

Members Excused:

[None]

V. Moment of Reflection

The moment of reflection was given by Melissa Obert from the Public Safety Department.

VI. Approval of the Agenda

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- B. Tabled or Withdrawn Items**

KATHERINE MILLER (County Manager): Madam Chair, the agenda only has one amendment and that is under Public Hearings, item XVI. A. 1 has been withdrawn.

COMMISSIONER HOLIAN: Okay. Thank you. Any changes from the Commission?

COMMISSIONER VIGIL: Madam Chair.

COMMISSIONER HOLIAN: Yes.

COMMISSIONER VIGIL: Move to approve.

COMMISSIONER HOLIAN: With the changes?

COMMISSIONER VIGIL: Yes.

COMMISSIONER HOLIAN: Is there a second?

COMMISSIONER MAYFIELD: Second.

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

VII. Approval of Minutes

A. Approval of May 29, 2012 BCC Minutes

COMMISSIONER HOLIAN: Are there any changes? Is there a motion?

COMMISSIONER VIGIL: I'll move to approve.

COMMISSIONER ANAYA: Second.

COMMISSIONER HOLIAN: We have a motion and a second.

The motion passed by unanimous [5-0] voice vote. [Commissioner Stefanics was not present for this action.]

VII. B. Approval of June 12, 2012 BCC Minutes

COMMISSIONER HOLIAN: Any changes from staff or the Commission? Is there a motion?

COMMISSIONER ANAYA: So moved.

COMMISSIONER VIGIL: I second.

COMMISSIONER HOLIAN: Okay, we have a motion and a second.

The motion passed by unanimous [5-0] voice vote. [Commissioner Stefanics was not present for this action.]

VIII. Approval of Consent Calendar

COMMISSIONER HOLIAN: Is there anyone here from the public who would like to comment on either of the two resolutions on the Consent Calendar? Seeing none, would any of the Commissioners like to withdraw?

COMMISSIONER ANAYA: Yes, Madam Chair. I would like to withdraw items X. B. 1 and X. B. 2.

COMMISSIONER HOLIAN: Okay.

COMMISSIONER VIGIL: Move to approve as amended.

COMMISSIONER MAYFIELD: Second, Madam Chair.

The motion passed by unanimous [5-0] voice vote. [Commissioner Stefanics was not present for this action.]

SFC CLERK RECORDED 08/15/2012

X. Consent Calendar

A. Appointments/Reappointments

1. **Approve Appointment of Emigdio Ballon as Private Sector Member to Serve on the Santa Fe City and County Advisory Council on Food Policy (Growth Management/Duncan Sill**

B. Resolutions

1. Resolution No. 2012-___, a Resolution Adopting the Updated Customer Service Policies for the County Water Utilities, Including Definition of Terms, Service Connections, Discontinuation/Suspension of Services, Reconnection, Utility Line Extensions, Service Classifications, and Water Conservation, Among Other Items (Public Works/Adam Leigland) **ISOLATED FOR DISCUSSION**
2. Resolution No. 2012-___, a Resolution Requesting an Operating Transfer From the 2008 GRT Revenue Bond Fund (333) to the GRT Revenue Bond Debt Service Fund (406) to Budget Investment Income Revenue for Debt Service Expenditure in Fiscal Year 2012/(\$379,025.33) (Finance Division/Teresa Martinez) **ISOLATED FOR DISCUSSION**

C. Final Orders

1. **CDRC CASE # V 11-5400 Jenny Cocq Variance. Jenny Cocq, Applicant, Matthew McQueen, (Attorney at Law), Agent, Requested a Variance of Article III, Section 10 (Lot Size Requirements) of the Land Development Code to Allow Two Dwelling Units on .79Acres. The Property is Located at 131 County Road 84, in the Vicinity of Jacona, within Section 12, Township 19 North, Range 8 East (Commission District 1). Approved 3-0, Wayne Dalton**

IX. Presentations

A. Presentation to Ralph Jose Martinez for Retirement Nine Years and Four Months of Dedicated Service

COMMISSIONER HOLIAN: I understand Assessor Martinez, Deputy Assessor Gary Perez and Supervisor Daniel King will be making the presentation and I believe that Mr. Martinez is not here. Is that correct?

GARY PEREZ (Deputy Assessor): That's correct. Thank you, Madam Chair. That's correct. Mr. Martinez couldn't make it today. I think his director supervisor, who used to be his direct supervisor might know where he's at or might have an indication. He's probably fishing or something. But we would still like to say a few words about him and honor him for his work that he did here with our office at Santa Fe County for nine years. I'll turn it over to Daniel King, his former direct supervisor.

DANIEL KING (Assessor's Office): Commissioners, Ralph is trying to set up his retirement place up in Los Brazos up in the Chama area and he's on his way down here

and couldn't make it. I think he got held up in traffic. So we apologize but I told him, I said if you don't show up this could end up sounding like a funeral. [inaudible]

Anyway, I'm going to do a brief history of him and try not talking too much. I'm sure Gary will stop me if I start babbling on. Anyway, he retired from the National Guard and the Army. He came from the – we used to call him Sarge and all. He retired as a sergeant major. He started working for us at the end of December of 2002 for our residential division and when he was hired, right after we hired him he broke his leg and started coming to work with a broken leg. Our first impression of him, because he was already retired and he's an older gentleman and was all hobbling around – I'm not sure he's going to make it here.

Being a field auditor you usually need to get around pretty good. But he ended up showing us all up. He's full of energy. I used to say energy of a toddler. He never quit. He always pushed us and he drove us and himself. He volunteered for everything that was available in all aspects of the appraisal process. He was always here early. He was helping the janitors open up the place. He also volunteered for overtime and like I said, his drive and commitment were second to none in this office.

He also had a lot of focus for an individual. There's a lot of monotonous jobs that we have to do at our office and you've got to have focus to complete 10,000 data entries for parcels, the same thing for different parcels. To do that you need focus. One of our main contributors as we set up for CAMA for being able to do that data entry that required to get ongoing with our new software.

In June of 2008 he moved from the residential division and I used to supervise the residential division so I used to supervise over him when I was in the residential division. He moved to the mobile home division, which was another supervisor and of course from there, his main duties were to work with the Motor Vehicle Division and [inaudible] property owners in order to get their mobile homes [inaudible] so that they could be financed. He worked from there, 2008, until his retirement now in the mobile home division. Last year I took over that division and once again had the pleasure of supervising him.

In August of 2008 he was able to get his certification, education, through our International Association of Assessing Officers. So he was a certified appraisal in the New Mexico Property Tax Division. Like I said, a lot of us had respect for Sarge. I called him Pa because he went around the office, he called all of us mi hijo, mi hija. He always guided us, giving us instruction, protected us, give us advice. He always had sweets and cookies and candies at his desk, always offering them. I called him Pa because he reminded me of my Grandpa.

Anyway, it was just encouragement and I'm sorry he's not here. His energy and love of life – he never quit. He was always doing a job and he probably will never stop, and that's encouragement to me and I think a lot of the other employees, with that drive to keep going, never quit. I think – as I understand it he retired from the Army, retired from the National Guard, now he's retired from the County, so he's a – I don't know – a triple dipper.

So anyway, I guess I'm going to pretty much close. His motivation inspired all of us and respectfully we'll miss him. And like I said it sort of sounds like a funeral but I hope he retires in peace. Thank you much, Commissioners.

COMMISSIONER HOLIAN: Thank you, Mr. King. Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I did want to acknowledge Mr. Martinez. I wrote down three straightforward things. He's a good man, he's a people person, and he wanted to help people and he does help people. I appreciate his service in the Assessor's Office in Santa Fe County government. He will be missed and knowing Ralph he'll go to another job and probably retire from that one too. So best wishes to you, Ralph, and I know you'll be around the County and wherever you are I know you'll be helping people. And he's probably fishing on the Brazos River right now and good for him. Thank you.

COMMISSIONER HOLIAN: Thank you. Thank you for your presentation and we have a certificate here for Mr. Martinez. I guess we don't need to do a photograph, so I'll just hand it to you.

MR. PEREZ: I just wanted to tell you one additional thing. On behalf of Domingo Martinez, the Assessor and myself and the entire staff at the Assessor's Office we want to wish him the best of luck and hopefully he will retire and enjoy it.

COMMISSIONER HOLIAN: Thank you. So I just want to say good luck to Mr. Martinez and I'm pretty sure that he's going to have a very active retirement. He's not just going to be sitting around watching TV, would be my guess. So thank you.

IX. B. Santa Fe County Fair Board Update

COMMISSIONER ANAYA: Madam Chair, we have I believe three people here from the fair. We have Jacinto and Maureen here and they're going to do a little presentation for us.

COMMISSIONER HOLIAN: Would you like to introduce yourself?

JACINTO MARTIN: Yes. My name is Jacinto Martin. Good afternoon, Santa Fe County Commissioners. I want to thank you for the opportunity to speak with you about exciting upcoming Santa Fe County Fair. I am Jacinto Martin. I am 13 years old and a member in good standing of the Northern Star 4-H Club. I have attended the County Fair ever since I was born. Our family and extended family look forward to the fair each year. I have participated in the fair since I was five. I participated in the 4-H projects like dog show, market lamb, market goat, shooting sports, and woodworking. I participate in the open youth baking, fine arts, woodcarving, weaving and small pet show as well as barnyard Olympics.

Our family enjoys meeting and spending time with other people from our community at this really fun event. I have senior citizen friends I see every year, [inaudible] friends I see every year and fellow 4-H families I spent time with throughout the fair. The fair also gives me the opportunity to volunteer. I help with the open indoor check-in, open indoor check-out, fair cleanup day, concession stand, small pet show, barnyard Olympics and booth information.

My 4-H club is very involved and sponsors barnyard Olympics, small pet show, salsa contest and color guard presentation. I have in the past given demonstrations at the llama obstacle courses, llama packing and llama fiber. I love sharing with the community the wonderful things at the fair. This year I am trying some new entries like apricot jam and plum jam that I canned, and gingerbread cake that I bake. I hope you come spend as many days as

possible at the Santa Fe County Fair and enjoy all the activities. I hope to see you there. And now I want to introduce my little sister Maureen.

MAUREEN MARTIN: Good afternoon, County Commissioners. Thank you for this opportunity to share you my excitement about the County Fair. My name is Maureen Martin. My brother and I have attended the County Fair ever since I was born. I love fair time. It is one of the best times of the whole summer. In 4-H I have participated with my jam, jewelry, woodwork, whittling, painting, horse riding, dog showing public speaking, arts and crafts, [inaudible] and market goat project. In the open youth I have also participated in Christmas Corner, sewing, weaving, painting, mosaic and other arts and crafts. I like letting the kids in my community come and pet and learn about my animals. The kids in 4-H build deep relationships together.

All the parents are devoted to helping all the kids with their projects. [inaudible] The activities at the fair are very fun and educational too. I volunteer and help with the entry and pick up items at the end. I attend fair cleanup day and help run errands. The fair is a fun community event that families can look forward to every year. Thank you for supporting our fair for all the families in our community. I hope to see each of you at the fair August 2nd through 5th.

We have some fair books we would like to give to you. It includes the events and activities as well as open classes.

COMMISSIONER HOLIAN: Thank you, Maureen.

COMMISSIONER ANAYA: Madam Chair.

COMMISSIONER HOLIAN: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I know they're passing out the fair books and the information but I would ask if we could go take a picture with them because they have a project book that they put together that they can incorporate this presentation into their project book. So if we could do that I'd appreciate it.

COMMISSIONER HOLIAN: Sure. Absolutely.

[Pictures were taken.]

COMMISSIONER HOLIAN: Thank you, Jacinto and Maureen. That really gives us a lot of incentive to go to the fair and see all your projects. I'm just impressed with just how incredibly diverse everything you do is. This is the fun part of being a County Commissioner.

I would like to wait on item X. B. 1 until Commissioner Stefanics gets back. She wanted to be here if that issue was discussed because she had put forward a resolution earlier that had to do with that particular item. So she asked to be in on the discussion.

X. B. 2. Resolution No. 2012-81, a Resolution Requesting an Operating Transfer From the 2008 GRT Revenue Bond Fund (333) to the GRT Revenue Bond Debt Service Fund (406) to Budget Investment Income Revenue for Debt Service Expenditure in Fiscal Year 2012/(\$379,025.33)

COMMISSIONER ANAYA: Madam Chair, if you could just provide background on what we're doing here with this approval.

CAROLE JARAMILLO (Finance Division): Certainly. Madam Chair, Commissioner Anaya, this is a resolution that will transfer the investment income from the bond proceeds fund for the 2008 GRT bond into the debt service fund that pays for the debt service of that bond. The bond documents that originated that bond require that the investment income be transferred to the debt service.

COMMISSIONER ANAYA: Okay. Madam Chair, Ms. Jaramillo, which bond is it for, for which project?

MS. JARAMILLO: It is for the judicial court complex.

COMMISSIONER ANAYA: So, Madam Chair, Ms. Jaramillo, this is not additional resources for the project. This is merely covering the debt service associated with the bond, basically.

[Commissioner Stefanics joined the meeting.]

MS. JARAMILLO: That's correct. It's investment income; it's not additional bond proceeds and it is to be used for the debt service.

COMMISSIONER ANAYA: Thank you, Madam Chair. Move for approval.

COMMISSIONER VIGIL: Second.

CHAIR STEFANICS: There's been a motion and a second. Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair and Carole, what type of investment money do we still have on the interest. Do we still have a balance in there?

MS. JARAMILLO: It's the investment on the cash that's available on the bond proceeds, even though the money is encumbered the actual cash has not been put out to make payment on the encumbered funds so the cash is sitting there collecting investment income.

COMMISSIONER MAYFIELD: Madam Chair, Carole, is this \$379,000 all investment income or is this part of—

MS. JARAMILLO: It is all investment income.

COMMISSIONER MAYFIELD: Do we have any additional investment income in this account?

MS. JARAMILLO: Not in this account.

COMMISSIONER MAYFIELD: So this zeroes it out.

MS. JARAMILLO: For this year. This is a transfer that's done every year per the requirements of the bond documents.

COMMISSIONER MAYFIELD: With everything that we've accrued the interest on. Okay. Thank you, Madam Chair. Thank you, Carole.

CHAIR STEFANICS: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, under discussion on this particular item, on the judicial complex, I did have a meeting with Chief Judge Vigil relative to trying to figure out the overall project budget on equipment and I'm willing to look on the technological side and the functional side for security to try and get to a resolution. Has there been anymore dialogue on that matter. I know they were up before the Board of Finance and there was potential for them to get some resources.

CHAIR STEFANICS: Let me respond before we turn to the Manager. I did meet with the judge and with our general counsel and with Ms. Miller. There has of course been the AG's opinion that reaffirmed the position that it is not the County's role to furnish. We did talk to the judge about security measures and there was about \$140,000, \$150,000 worth of those measures that we identified and the day after, the Governor approved \$87,000 approximately, towards the same things that we were willing to help fund. Which leaves about \$70,000, \$75,000 of security, IT, computer related issues but nothing else.

COMMISSIONER ANAYA: So, Madam Chair, is that something that we're going to have an action item?

CHAIR STEFANICS: I believe we don't need an action item, Ms. Miller, since it could be included in the available resources from our past discussion?

MS. MILLER: Madam Chair, Commissioners, we have funding in contingency if the Commission would not be opposed. We could use some of the contingency to fund the rest of the security measures.

COMMISSIONER ANAYA: And Madam Chair, I'm glad I brought it up. I had real heartache with the original request tied to just furniture. I don't have heartache with this but I do think that we should have an action item, just given the nature of the project and all the discussions that revolve around it. But I would be supportive on the amount dealing with the security aspect as set forth.

Ms. Miller: Madam Chair, Commissioners, what we could do is work with the judiciary, whether we would have that done as part of the construction contract and do an amendment; we could bring that back, or we could also bring back just an action to take some of the contingency and dedicate it for those. So if you'd like to have that as an action we can do that at the end of the month.

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR STEFANICS: Thank you. Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair and Manager Miller, in line with Commissioner Anaya's points, the \$87,000 that I guess the Governor's office released, we already as a County dedicated that money for security infrastructure, so are we arguably recouping \$87,000 so we can reuse that or offset that \$87,000 to go into security measures?

MS. MILLER: Madam Chair, Commissioner Mayfield, I think what we'd identified on the list, they had about a million, \$1.2 million of furnishing, IT and security measures. We went through that list with them prior to them going to the Board of Finance

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and identified about \$140,000 as Commissioner Stefanics said that could be considered part of the facility based on us providing security for the facility and it would be items relative to providing security for the facility, which we do through our Sheriff's Department. Of that, the Board of Finance approved only funding for security measures, but they gave around \$87,000. What we would be bringing back to you is to look at those things that the Board of Finance did not fund and funding the rest of that.

Still that leaves District Court with the issue of their IT and furnishing needs, but as stated, that was not our responsibility.

COMMISSIONER MAYFIELD: So Madam Chair, Manager Miller, it's just the difference of what, arguably the state did not fund is what they're already asking us for is just security components. And my second question, I brought it up at our last meeting or at a work session, but also some security infrastructure I guess I'll say for our adjacent district attorneys office. Can we also have that for consideration at this time or at the next meeting, or will that be another whole other day?

MS. MILLER: Madam Chair, Commissioner Mayfield, I think that was in our quick start funding. We had some improvements to that whole facility area. So that was approved.

COMMISSIONER MAYFIELD: Thank you. Thank you, Madam Chair.

CHAIR STEFANICS: Thank you. We have a motion and a second on Resolution No. 2012-81.

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

- X. B. 1. **Resolution No. 2012-___, a Resolution Adopting the Updated Customer Service Policies for the County Water Utilities, Including Definition of Terms, Service Connections, Discontinuation/Suspension of Services, Reconnection, Utility Line Extensions, Service Classifications, and Water Conservation, Among Other Items (Public Works/Adam Leigland)**

CHAIR STEFANICS: Commissioner Anaya, you asked for this to be removed.

COMMISSIONER ANAYA: Yes, Madam Chair, I did. I'm going to go straight to one section and then would like some feedback from staff. At the last BCC meeting I informed the Commission that I had a discussion – I was on a radio program with several constituents and leaders from the La Cienega area, including Representative Hall, on water. But prior to that, about two months ago I had a more detailed meeting in which several County staff were present at, was the La Cienega area was talking about specifics and concerns in which I wrote a rather lengthy response. Staff provided me some feedback and then I wrote a response to those issues that were still pending and that we're still working through.

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But in that particular discussion, both in La Cienega several months back as well as on the radio there was reference to what the County's ordinances and resolutions require associated with hookups and specifically, they were raising the concern that we had conditions that people hook up to the service if they get within – and I'm going to go to points 11 of 38 at the top – Application for service. And what I would like clarification on from you or Legal or other staff is, they made references to ordinances that are on the County books. I see this as a resolution on customer service. But could you clarify for the public listening in and watching and for those viewers that are wondering about the requirements for people close to the utility. Do we require hookup if they are within 30 feet, or 300 feet? Or is it only as it reads in this policy? And is this policy consistent with our ordinance that we have in place for land use associated with utility hookup? So I know there are multiple documents, but right at the top there it talks about within 300 feet, if you get a development permit. And the feedback that I'm hearing from the community is you go within 300 feet you're mandated to hook up. So can you provide some clarification on that issue?

MR. LEIGLAND: Madam Chair, Commissioner, actually I'll turn it over to Mr. Guerrerortiz because he's the expert on this policy.

PATRICIO GUERRERORTIZ (Utilities Director): Madam Chair, Commissioner Anaya, we don't have a water ordinance at this point but we do have a land use ordinance and also the land use ordinance that's under review and revision. The policies that we have before you today are in compliance with what we have in the current ordinance. So if the [inaudible] within 300 feet of our water utilities and they come for a permit to the County, one of the requirements that they would have would be to come into the system.

COMMISSIONER ANAYA: So, Madam Chair, Mr. Guerrerortiz, the specific question isn't new permits, what the specific question is from existing residents that are within 300 feet of our water system, that they have to hook up because they're within 300 feet. So do they not have to hook up if they're an existing residence and they're within 300 feet? That's where I'm getting conflicting feedback so I'd like to try and clarify it here today if I can.

MR. GUERRERORTIZ: Madam Chair, Commissioner Anaya, I don't know of anybody who has been forced to connect just because a line is being built in front of their properties. If the property exists and they're on a well, for instance, today, if we build a new line that property is grandfathered in until they need something in return. If they need a permit, for instance, because there is new construction on that piece of property one of the requirements would be to connect because the line is there. But if there are [inaudible] when the line goes by, being installed, the practice has been to never force them to connect.

COMMISSIONER ANAYA: So, Madam Chair, Mr. Guerrerortiz, is there any ordinance beyond this policy – because they're referencing ordinance that I frankly want to see and haven't seen, that says they have to hook up. And if there isn't an ordinance, at some point is it not our goal as a County as we're doing waterline extensions to figure out how we get people hooked up.

Because the other concern is cost associated with that hookup. But isn't it in our best interest, as we're taking a line into a given area, if we do get them to hook up so that we can reduce the amount of water coming out of the aquifer? And how would you envision that we would achieve that? Because that's the main question. Those people are saying there's a lot

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of wells drawing it down but it's cost prohibitive to force us to connect. So do we have plans for some balanced approach that helps them to connect, if we get to that point to reduce the water coming out of the aquifer?

MR. GUERRERORTIZ: Madam Chair, Commissioner Anaya, there are two things that I would like to present in response to your question. One is last year this Commission adopted a new rate plan that reduced the cost of connections significantly. The connection fee went down to \$2,750 from \$6,800 and change. That's one. The second one is if you have a project that includes the installation of distribution lines, the connection to existing development or existing dwellings is made part of the project thus [inaudible]

If the line has been installed by a developer and it goes in front of or through your property, we wouldn't force you to connect just because the developer built a line in front of your property, but we would make it a voluntary thing. If you come to us we'll say yes, you can connect and this is the connection fee.

Now, it is our goal, like you mentioned, to decrease our dependence on the groundwater and decrease our potential for contaminating the aquifer or for depleting the aquifer. And that's one of our primary goals as a utility that we're going to try to connect as many people as we can reach within our funding limitations of course.

So you have taken significant steps towards reaching that goal. We're in the process of pursuing projects that you have approved. We're in the process of pursuing the CIP program that you have supported and that will help us connect more and more of the people who are already here and who are dependent upon the aquifer. So I hope that that answers your question.

COMMISSIONER ANAYA: So, Madam Chair, just in brief summary, nobody is forced to hook up to the utility if they're existing. If they're new construction and they're going to be getting a building permit then they're going to be asked to hook up before getting the permit or as part of the permitting process. And we're going to do everything we can as a County to try and figure out how to get more people on the system and make that as affordable as possible. Is that a fair summary?

MR. GUERRERORTIZ: That's correct, Commissioner Anaya, Madam Chair.

COMMISSIONER ANAYA: Thank you, Madam Chair.

CHAIR STEFANICS: Thank you. Do you have any other questions? We're ready for a motion.

COMMISSIONER ANAYA: Move to approve, Madam Chair.

COMMISSIONER HOLIAN: Second.

CHAIR STEFANICS: Thank you. We have a motion and a second. Any further comments or discussion?

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR STEFANICS: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Thank you. Madam Chair, maybe this could be I guess a question for Legal. Madam Chair, Mr. Ross, again, this new proposal in front of us, and I read it – I don't know where I read it – will supersede anything that is out there in conflict, as far as any other resolution?

STEVE ROSS (County Attorney): Madam Chair, Commissioner Mayfield, any other resolution, that's correct.

COMMISSIONER MAYFIELD: Could you give me an example, just if you know of one, if there is one?

MR. ROSS: I don't think there is another resolution on this topic. There are a number of properties in the Upper La Cienega area that have land use conditions similar to this. This wouldn't supersede those, but it would supersede any prior resolution.

COMMISSIONER ANAYA: Madam Chair, on that point.

CHAIR STEFANICS: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, Commissioner Mayfield, thank you. The whole reason, Madam Chair, Mr. Ross, that I asked the questions that I did of Mr. Guerrerortiz was to try and clear up any inconsistencies. And then, now you bring it up that there are land use cases in areas, which is probably what they're specifically referencing when they raised their concerns. So in the future, if you could chime in, because that's what I'm getting at. So what that comment means to me and what I need feedback from you on from a legal standpoint is that we placed a condition on the hooking up, I guess, is what you're saying, on the existing – not new, existing – there's elements in some of the previous approvals for the waterline extensions?

MR. ROSS: Madam Chair, Commissioner Anaya, yes. There are – and Penny's probably the best person to answer this. There are a number of properties in subdivisions where the developer of the subdivision included a condition that they hook up to County water if it's nearby. But it isn't nearby at this point. But yes, there are a number of – and I don't know how many, where they are, but there are a few.

COMMISSIONER ANAYA: So, Madam Chair, while Penny's responding, the feedback that I guess I need to make sure that is clear to the public and those people in those areas is what they're required to do when it gets within the distance. Because some people are saying no, they're within those 300-foot areas. And then I guess what I'm saying further is how are we going to make it within the project to where they can actually do it, where they can afford to do it.

PENNY ELLIS-GREEN (Deputy County Manager): Madam Chair, Commissioners, they were part of the La Cienega Watershed conditions. What they were trying to do is get people to hook up to a water system. If that water system was not available when people divided their land, and therefore as part of that platting when they divided it there's a statement on those plats that when the waterline gets within a certain distance of their property that they shall hook up at that point. So that is different than the requirements that are being brought forward today, but my understanding is those requirements on the plat would still stand. I'm not sure on the numbers of how many lots, but a lot of lots over the last ten years have those conditions on them.

COMMISSIONER ANAYA: So, Madam Chair, Ms. Ellis and staff, I guess what we probably need to look at is where in proximity to the line are there houses that are within those limits and then what kind of plan can we come up with to figure out how to do it. The feedback I'm getting is people saying I don't have – I can't afford to do it. I can't afford to hook up. So what would you suggest as far as –

MS. ELLIS-GREEN: Madam Chair, Commissioner, I do believe we have some of that information that Karen Torres has mapped some of those lots. So I believe that we know where our lines are and where most of those requirements – where the lots with

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most of those requirements are. And again, it was something that was offset so the person that divided the land didn't have to pay for the hookup, but not it is on the individual owners. So it could be very expensive for some of them.

COMMISSIONER ANAYA: So Madam Chair, another question that was part of the same water concerns is in those conditions are there provisions to cap wells? Mr. Ross?

MR. ROSS: Madam Chair, Commissioner Anaya, I'm really not all that familiar with them, but Penny, I think, knows the answer.

COMMISSIONER ANAYA: Within those conditions for people when the line got within 300 feet, were there provisions that they had to hook up and cap their wells? Did we deal with any of that in the conditions? Because that's another question that keeps coming up.

MS. ELLIS-GREEN: Madam Chair, it's been years since I saw those conditions. I'm actually not sure exactly what they say. I can do some research and find a plat that has those conditions on them; then we'll know precisely what it says. And whether it's within 300 foot or 200 foot and whether or not you do have to cap your well. But you can't use it for domestic purposes.

COMMISSIONER ANAYA: Okay. If you could help figure out information there, because we're getting feedback and the feedback is the County imposed conditions and the assumption – I'm not saying it's correct – but the assumption is we're not following through on the conditions. The immediate feedback I get from some of the people in that area – I wouldn't be able to afford to pay for the connection or change it over. So those issues aren't going to go away and I think it has to do with follow-up and figuring out a reasonable process to hopefully, at some point get them on the system so we can reduce the drain on the groundwater.

MS. ELLIS-GREEN: Madam Chair, Commissioners, we can certainly work with Growth Management and the Legal Department to find out what the conditions are, which lots they were imposed on and where our waterlines are to see how many lots it's affecting right now.

COMMISSIONER ANAYA: Thank you.

CHAIR STEFANICS: Thank you, Ms. Ellis-Green. Any further? Yes, Commissioner Mayfield.

COMMISSIONER MAYFIELD: Thank you, Madam Chair, Mr. Ross. Does this have any impact on the recent implementation that just got approved in the Aamodt settlement? We haven't even decided who the water authority board is and the way I'm reading this, it says if these guys are part of the Santa Fe County water utility. So what if there's some inconsistencies there? Could there potentially be some? Does it cause you any concern at this time?

MR. ROSS: Madam Chair, Commissioner Mayfield, no. The Aamodt water settlement is a different thing. This sentence or these two sentences are probably not appropriate for this policy. I've been looking at them and it's really more ordinance material. And if you wanted to you could easily strike these two sentences and we can deal with it as a policy matter either through ordinance. Pego is working on a utility ordinance. Or as a part of the code. Because the more I look at these two sentences the more I realize that we need a

ordinance was going to take second priority to the Land Use Code that's why we wanted to update some of the policies that already existed so that people would know what to go by. That was the intent. But if you want to delay this and make it part of the ordinance that would be fine too.

COMMISSIONER VIGIL: So am I to understand that as we're discussing this particular item the 300 feet requirement to hook up with the County existing water distribution and wastewater collection lines is strictly to go to private residences as well as subdivisions? Is that your understanding of this?

MR. GUERRERORTIZ: Madam Chair, Commissioner Vigil, yes.

COMMISSIONER VIGIL: Okay. So I think the question that has been asked here is what if there is a private resident who can't afford to do that?

MR. GUERRERORTIZ: Madam Chair, Commissioner Vigil, the case that I can think of, for instance, is an existing resident who has a new line in front of their property line. That individual will not be forced to connect just by virtue of having a line in front of their property. But the person will be required to connect when that property is either going to change hands or is going to have construction or improvements made on the property.

COMMISSIONER VIGIL: So that all current residents are grandfathered in, so to speak.

MR. GUERRERORTIZ: That's the statement that I have made before. Yes. Existing residents will be grandfathered in, unless there's a requirement on a plat that exists for our future reference, those residents.

COMMISSIONER VIGIL: Okay. I wonder if maybe this is bringing up more questions I think for all of us than it is answers. I wonder if we could maybe consider tabling this until our next meeting so that some of your answers might be – I think probably we need to learn the benefits of this and to just remove it from a policy at this point in time may kill it and I'm not sure that's really all our intent. So I would propose, if it's possible to move to table this until our next meeting to gain further understanding of the benefits and the setbacks of having this requirement. I know that when you are building a water utility system you do need to set these kinds of kinds of requirements. So I think our concern is setting these and wondering where the costs may come. We're not all going to have Aamodt settlements where we get so much cooperation and funding, yet we all represent districts that many of the residents want to hook up don't have the funding. That's my constituents' biggest issue. And others who may have a water association that might be able to hook up, there's so many variables in this requirement, I'm wondering if we maybe need a clearer understanding. How do you feel about tabling this to the next meeting?

CHAIR STEFANICS: Is that in the form of a motion?

COMMISSIONER VIGIL: Yes. I move to table.

CHAIR STEFANICS: Okay. There's a motion to table. Is there a second?

COMMISSIONER HOLIAN: I'll second it for purposes of discussion.

CHAIR STEFANICS: There is no discussion on a tabling motion.

MS. MILLER: We have three motions on the floor right now.

CHAIR STEFANICS: Right. But a tabling motion takes precedence, and a tabling motion has no discussion.

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

COMMISSIONER HOLIAN: Madam Chair, can I just make a comment?

CHAIR STEFANICS: Yes. Commissioner Holian.

COMMISSIONER HOLIAN: Well, actually I'm wondering if probably the language in this particular paragraph could just be rephrased in some way to make the clarifications that we've all been talking about. In other words, that new residences would be possibly required to hook up and residences that change hands.

CHAIR STEFANICS: Commissioner Holian, I think that the tabling motion has passed and if you have further conversations with them about recommendations do that, for any Commissioner, offline.

XI. Staff and Elected Officials' Items

A. Finance Department

1. Presentation by Russ Rountree, Impressions Advertising Summarizing the Santa Fe County Advertising & Promotional Efforts in Fiscal Year 2012 and Recommended Efforts in Fiscal Year 2013

CHAIR STEFANICS: Some of the Commissioners asked for a presentation on how our advertising, our plan, what's been spent and what we're recommending.

MS. JARAMILLO: Madam Chair, Commissioners, the Finance Division would like to bring forward a presentation from Impressions Advertising specific to their advertising which was funded by lodgers' tax revenue under the oversight of the Lodgers' Tax Advisory Board and Santa Fe County Commission. The presentation includes an overview of the advertising and promotional efforts which were agreed to through the advice of the Lodgers' Tax Board, and they're also bringing forward a sampling of what's to come in FY 13 for their advertising and promotional efforts. And with that I will introduce Impressions Advertising's Mr. Russ Rountree.

CHAIR STEFANICS: Thank you very much and welcome, Mr. Rountree.

MS. JARAMILLO: Excuse me. Mr. John Berkenfield is going to go first, from the Lodgers' Tax Board.

CHAIR STEFANICS: Thank you. Mr. Berkenfield, right?

JOHN BERKENFIELD: Yes.

CHAIR STEFANICS: And you are the chair of the Lodgers' Tax Board.

MR. BERKENFIELD: I am the chair of the Lodger's Tax Advisory Board, which I will refer to as LTAB, if I may.

CHAIR STEFANICS: Well, first of all, thank you for your service, your volunteer service, and oftentimes we don't get to see the Lodgers' Tax Board members, so thank you very much for your work. Why don't you proceed?

MR. BERKENFIELD: I appreciate that very much. Just to give a little bit of a context before I introduce Mr. Rountree, I think as everyone knows the promotion and the advertising of the county is required by ordinance and the ordinance also charges the County's Lodgers' Tax Advisory Board with carrying out this effort to advertise and promote

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the County of Santa Fe. And the funds for the advertising and the promotion of the county are gained from lodgers' tax in a form that is described by ordinance.

The LTAB, while we are composed of hospitality, marketing, tourism, lodgers people with backgrounds oftentimes in marketing can't do this kind of work. It needs to be done professionally and at a high standard of excellence as we have done, as you know this for many, many years following a competitive process, we retained the services of an advertising agency to do this work for us and the agency of record at this moment is Impressions Advertising. The president of that agency is Russ Rountree and I would him to come up and tell the Commission what you've asked for at your last meeting, which is basically how we promote, how we position the County of Santa Fe, and how we've done in our efforts. So may I introduce to you Russ Rountree.

CHAIR STEFANICS: Thank you very much.

MR. BERKENFIELD: Thank you, Madam Chair.

RUSS ROUNTREE: Thank you, Madam Chair, Commissioner members. I just wanted to recap generally what it is and who it is that we work for. Obviously, we're promoting Santa Fe County as a visitor destination. 2,000 square miles of the county, it's quite diverse. We have mountains, we have Indian lands, we have recreational opportunities. Of course the City of Santa Fe located within the County as well. We have 16 lodging properties that are charged with charging the lodgers' tax their prospective visitors, all those people that check in. Those lodging properties are quite diverse as well – resorts, B& Bs, limited service properties, as well as RV campgrounds. We have about 400 available rooms and collectively, these properties raised about \$400,000 in lodgers' tax annually.

So how are we doing? This past fiscal year it's been a pretty successful year. There's been an increase in lodgers' tax collection of just over two percent. These are adjusted figures for the period for July through April. I want to contrast that against the collection efforts of the City of Santa Fe. While the lodgers' tax in the county has been up the city's lodgers' tax has been down about 2.7 percent. Likewise, occupancy has been up 8.5 percent in county properties and again, as contrast, the downtown properties in Santa Fe have been down during the same period for about three percent, and the Cerrillos Road properties also down to the tune of about seven percent.

This shows the website user sessions, those people who have come to the website that we have created for the purpose of marketing the attractions and locations within the county. That is seesantafe.org. Those website user sessions are up six percent over the previous year, and we have a slight decrease in website inquiries of about one percent. The feedback that we are hearing from those who have asked for inquiries is that as we continue to put more information on the county website there's fewer people that need to reach out to us because they're getting most of their information at the subsequent sites [inaudible]

The budget annually is about \$300,000. Of that budget, about 72 percent goes to direct marketing, media buys and public relations. Out of that budget we also create the advertising, we make the marketing plan – in other words the plan for the year, the blueprint, and there's also a small amount of that budget that goes to fulfillment response, which is when people ask for inquiries we have a brochure that can be sent.

This past year we rolled out a new campaign: The real Santa Fe, find it in Santa Fe County. It plays on the adventure of travel experience for those of us who will hit the road.

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We feel like we've given the visuals a perspective of people saying, I want to go there. I'd like to see where that place is and it leads them to find out more information about our offerings that we have within the county, that we give them that detailed information by going to the website. We target an audience of adults between the ages of 35 and 64 with household incomes of \$70,000 or more, and primary geographic areas that we target are the traditional drive markets of Texas, Colorado, Arizona and an extended drive market if you will to California. We also have as a secondary target those residents within the state of New Mexico.

These are a sampling of some of the ads that we have created in this past year showing a wide variety of offerings again that are available to the potential visitor to Santa Fe. Everything from Native American experiences to outdoor adventure, art and culture.

Our print advertising is primarily driven to regional publications and travel books. Things like *Home and Away*, which is a Triple A publication in the Midwest, *T Travel*, a magazine that appears periodically in the *New York Times*, *Oklahoma Today*, *Southern Living*, *Sunset* magazine – these are just a sampling of some of the print ads or the print vehicles that we place our ads in.

In addition to the print ads we also run a series of television ads. These run on instate, last year it was primarily cable offerings. We've run our ads in Roswell, Farmington and Las Cruces. The ads consist of 15-second lengths and they're what's known as bookends. We like them to run at the beginning and end of a commercial pod. As you know, people's attention is becoming shorter and shorter so we've tried to create something that's very accessible for them, doesn't give them a chance to reach for that remote until they can find out what it is and we'd like to show you an example of the ads that we have created. [Video ads were shown.]

These three ads as I indicated are very short and to the point, quite varied, kind of quick-paced, so that people can get a quick sense of again, the wide variety of offerings that we have for potential visitors.

In addition we have an online component. The website, as I mentioned is the main vehicle for travel information to Santa Fe County. We're constantly updating information to it and adding new content as well as a calendar of events on it. We list all of the properties, the lodging properties in the county. We have many of the restaurants included. As you may be aware that's an ever evolving roster there and we try to keep it as current as possible and sometimes we find out about new restaurants by drive-bys or see a press release or something to that nature so we try to stay on it as much as possible.

This is a screen capture of the homepage. We have varying news information that we put up there. Last month or so when there were some fire issues in some of the surrounding areas we had information for visitors to let them know that there's a site they can go to to find out the most current information about fires. I don't want to say thankfully, but certainly the situation north of us in Colorado has taken a lot of the fire heat, if you will, off of us and displaced it, unfortunately for our neighbors to the north where the fire situation has not been top of mind for visitors who are thinking about coming here.

We also have an email newsletter that we send to an emailing list that we've compiled from those people that visit the site. News updates that are things like fire updates in the wintertime when there's exceptional snowfall that translates to nice skiing conditions, letting

you know about that, current event things, special events that are happening. Our online marketing also consists of web banners and email blasts for sponsorships primarily in Denver, Dallas and Oklahoma City.

And a sample of those are these. You can see how the continuity of the creative is shown in these online ads as well.

Our fiscal year 12 marketing plan consisted of 13 print ads, five cable television ads, 8 monthly web ad banners, 10 online ads, and collectively that plan reached an estimated 9.25 million viewers. We look to be doing the same thing in fiscal year 13. Our online presence has grown slightly each year because we're finding that, obviously, more and more people are using online vehicles to plan their travel destination and it's obviously less expensive than large broad-scale publications. We will be updating the brochure that currently has the creative from the previous past, so that is one of the new things that we'll be doing for fiscal year 13.

I wanted to thank you for your time today and I'll stand for any questions that you may have.

CHAIR STEFANICS: Thank you very much for coming today, and we do have some questions. Commissioner Vigil.

COMMISSIONER VIGIL: Thank you. Thank you, Russ. Very good presentation. And I may have missed it. Are you doing social networking at all?

MR. ROUNTREE: Yes.

COMMISSIONER VIGIL: Could you give me some insight on that?

MR. ROUNTREE: Sure. Madam Chair, Commissioner Vigil, we of course have a Facebook page for Santa Fe County. We are just starting out on some twitter action as well, and then we piggyback on things that the Santa Fe Convention and Visitors Bureau has been doing. We have partnered, two fiscal years ago, with some PR that we both funded, both the Convention and Visitors Bureau and the County, helped to employ a national public relations firm in New York, and we are looking at a fam trip – familiarization trip for press coming up on the fall that will be a joint effort also between the County and the City.

COMMISSIONER VIGIL: Okay. Are there any other avenues for social networking that you're considering besides Facebook and Twitter?

MR. ROUNTREE: Madam Chair, Commissioner Vigil, at this point that's pretty much the limit at that. We, unlike the City that is targeting a younger audience, traditionally most of the visitors that come to Santa Fe County are somewhat older in their age and have not yet embraced social marketing quite to the level of some of the younger generation.

COMMISSIONER VIGIL: The other I guess comment I have is with regard to an economic development priority that this Commission has undertaken and that is regarding the film industry and Santa Fe Studios of course. I'm not sure how that could be a part of your promotional marketing material but I think that is an attractive feature to visitors as well as the ability to promote for the film industry. If there's a way that the Board can discuss the manner in which that can be done I think that definitely should be a strong consideration for those purposes. It's an economic development initiative. You can springboard a lot through the film industry. You're promoting the film industry and an economic development project

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that this Commission has prioritized for the future of our community and that's Santa Fe Studios.

MR. ROUNTREE: Madam Chair, Commissioner Vigil, in fact the Board helped fund an effort that I believe was spearheaded by Shoot Santa Fe, and I can't recall the exact amount but I will say it was a couple thousand dollars, perhaps, about \$5,000 or \$6,000 that was used out of the lodgers' tax funding for that purpose of that trip, again, a joint venture between City and County.

COMMISSIONER VIGIL: Right. And I think there's a really significant piece to be prioritized for us because that is a promotion of Santa Fe County and an initiative that we've undertaken. But I'm wondering if there's a way that you could market it in your media material. Because I didn't see that as part of it. I don't know that more dollars have been invested in any economic development project in the county other than that particular project.

MR. ROUNTREE: Madam Chair, Commissioner Vigil, it becomes a little tricky in a couple of different aspects. As you're familiar I'm sure film productions generally last for long periods of time and once a person who's checked into a lodging property stays more than 30 days that guest no longer pays lodger tax. [inaudible] There's also some privacy things that Santa Fe Studios doesn't really want a lot of people traipsing through while they've got work going on, but certainly there have been communities that have packaged – come see where our film locations are, so people perhaps might be able to see some locations for Longmire, that A&E presentation that has recently been fairly successful. And perhaps we can look at that as being an option.

COMMISSIONER VIGIL: And I think that would be the focus of your purpose. I'm familiar with the boundaries that are created through the industry. I would love to be able to what's happening at Santa Fe Studios but they do have those boundaries when it comes to paparazzi and all kinds of – I've been oriented in all of that. I'm thinking more, and I think we're aligned in terms of letting folks know that the film industry is part of Santa Fe County and perhaps site-specific areas, but also that really the hub of that is Santa Fe Studios and in a way that that could be promoted I think would benefit the tourist industry to attract the tourists for those purposes.

MR. ROUNTREE: Madam Chair, Commissioner Vigil, thank you for that input and we'll see what we might be able to craft around that.

COMMISSIONER VIGIL: Okay. Thank you.

CHAIR STEFANICS: Thank you. I have Commissioner Holian and then Commissioner Anaya.

COMMISSIONER HOLIAN: Thank you, Madam Chair. Thank you, Mr. Rountree. Great ads. I really like them. I noted in the packet material that it seems that you mostly try to target areas that are sort of within driving distances to the Santa Fe area. I was just wondering if you've compiled any statistics about where people are coming from from the various hotels and B&Bs and so on, whether they actually have that kind of data, and is it really true that most of the visitors here are coming from within driving distance.

MR. ROUNTREE: Madam Chair, Commissioner Holian, our research admittedly had been a bit of a sticking point. We tried to launch a couple of research initiatives in the past two years and they've been less than successful, largely due to a problem in getting feedback from those with lodging properties. So what we've done is used

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primarily the research that is available through the City of Santa Fe that they have done as to where their visitors are coming from and to a secondary point, the State of New Mexico's visitor information. So we have been trying to do that realizing that certainly from our side of the table it helps to have that type of research done. The more research you can have the better.

But quite frankly – and I'm not sure if it's a situation that so many of our properties are smaller, run by, for lack of a better word, a mom and pop, that it is something that is either they don't see value in. We tried to explain to them why we needed that information so that we could communicate back to a body such as yours the efficacy of the program. But it's been kind of pushing the rock up the hill. But we will continue to try to get some quantitative data on that.

COMMISSIONER HOLIAN: Okay. That would be interesting. The other thing is I noticed that in your ads you sort of promote outdoor activities to a great extent, which makes a lot of sense in our area. I guess my question is is how do you decide which outdoor activities you're going to promote. The reason I'm asking is noticed that there were no, for example, ATVs in your ads. Would you say that ATVs were incompatible with the kind of tourists who come here? Do you think that that is not the kind of thing that the tourists who come here are interested in? I'm just curious.

MR. ROUNTREE: Madam Chair, Commissioner Holian, yes. I think we're looking at a more organic outdoor experience. Those people that are hiking, camping, experiencing the outdoor recreation opportunities on a more basic level as opposed to via vehicular travel into the backcountry or something like that. I just returned from a visitation out to the Oregon coast that has these huge sand dunes out there for 60 miles and in all those beach communities you see nothing but 4-wheel drives with those big long flags on them. That's really something that they've gone after and I don't think that that, as you point out, perhaps fits with the hopes and desires of our people, not only our residents but our visitors when they get into the recreational facilities that we have as far as our national forests and public spaces go.

COMMISSIONER HOLIAN: Okay. Thank you, Mr. Rountree.

CHAIR STEFANICS: Thank you. Commissioner Anaya.

COMMISSIONER ANAYA: Thanks for coming. I was one of the Commissioners that asked that you come and I appreciate that you're here as well as lodgers' tax members. Some quick things. Quantify for me – you said that your circle reaches 9.25 million people. Can you quantify where that is and how do you derive at that number of people that are reached each year?

MR. ROUNTREE: Madam Chair, Commissioner Anaya, the way that we do that is we take circulation figures for print publications that we run in. We also take web impressions for those online entities. The majority of some of our online promotion are travel newsletters that go out to, in this case let me just give you one specific. For the Dallas morning news, if you are a subscriber to their website you can click the boxes for interests that are aligned with your tastes – travel, food, culture, recreational opportunities. Then the people who operate that site will send periodically information to those people who have expressed interest in getting travel information.

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There's data available for the number of people who have opted in to receive those and so those numbers go into that 9.25 million impressions that are made.

COMMISSIONER ANAYA: So Madam Chair, Mr. Rountree, those are potential people that can access but not necessarily direct but based on the circulation.

MR. ROUNTREE: Madam Chair, Commissioner Anaya, that's correct. It's known as "eyeballs". We don't know whether they see it but it's in front of them. It doesn't necessarily mean they clicked on to our ad, it's just the potential universe of people that are there. If you subscribe to a magazine you're counted as one person in that circulation whether you read that book or not in that particular month. So that's the data that's used, yes.

COMMISSIONER ANAYA: And then you talked about email blasts that you directly access through your database. How many are we talking about? How many people are you talking about when you say you do mail-outs to, or email blasts – how many people are you touching with that?

MR. ROUNTREE: Madam Chair, Commissioner Anaya, I assume you mean are on the subscription list that we are sending to? Is that correct?

COMMISSIONER ANAYA: Yes.

MR. ROUNTREE: It's roughly, it's bouncing between 3,500 and 4,000 people who have opted into that list.

COMMISSIONER ANAYA: And then I would concur with some of the comments of my colleagues relative to trying to link the marketing that we're doing to some of the other activities that are going on – film industry and other specific events that occur in the county. You talked about Dallas, Denver and Oklahoma City several times being your primary focal points. Is that an accurate statement that those are primary cities that you target?

MR. ROUNTREE: Madam Chair, Commissioner Anaya, those three cities are cities that we have put our online advertising into their email newsletters just as I indicated to you with the subscription example with the Dallas morning news online site.

COMMISSIONER ANAYA: So what type of discussion has the Lodgers' Tax Board had or yourself, your company, relative to other cities in the region – San Antonio, Phoenix, El Paso – just as others that we know are potential visitors to Santa Fe County? And then taking that a step further, what about marketing that occurs within the state of New Mexico? I know in New Mexico they're trying to target a lot of local communities to go visit Roswell for the alien festival or whatever they call it. Are we thinking along the lines of actual New Mexicans to figure out how we encourage them to come visit Santa Fe County and some of our lodges?

MR. ROUNTREE: Madam Chair, Commissioner Anaya, yes. As I indicated, this past year our efforts on cable advertising have been in Roswell, Farmington and Las Cruces. We've identified those three markets as, one, they have fairly large numbers of population. Two, they have largely had pretty good economies there so they theoretically they have disposable income to be able to travel. So we previously, in years past, have run ads in the Albuquerque journal and the main journal statewide, which you may be aware runs border to border, border to border, and looks at about 150,000 people, but quite frankly, would someone for Jal be coming here? It's possible, but the numbers there – it's easier for us – it's fish where the fish are, basically. So we're going after some of those larger areas.

With respect to your question about other markets outside the state, we have run in some of those that you have mentioned and we always try to track to see what type of efficiency and efficacy those programs have, and based upon the return of what we've received as far as inquiries out of that market, gauged against what's spent, and then make a determination of whether it's cost-effective for us. It's been the experience of the return on the investment that those three markets have been working the best for us of those that we have tried.

COMMISSIONER ANAYA: And Madam Chair, is our website, is there a link directly on our website that goes to the ads? And can we do that?

MR. ROUNTREE: Madam Chair, Commissioner Anaya, are you referencing the County website, not the travel website?

COMMISSIONER ANAYA: Right. Our Santa Fe County website.

MR. ROUNTREE: Right. We've had communications with Kristine Mihelcic to see about having that done. I think we're in the process of having that linked up there. It certainly makes sense. We've got a link coming back the other way from the travel site to the main County site.

COMMISSIONER ANAYA: And then one last thing that I think is crucial and paramount to your success, is what you said the feedback from the lodges. I think it's important that if we can we help convey that message – maybe a letter from the chair stressing the importance in the simplest form possible for those smaller type businesses providing that feedback. I would think that their data is priceless to what they're trying to do to find the right market. So I would say that whatever we could do to try to figure out how to help that along. Maybe a letter from the chair with support from the Commission to encourage them to provide the data that you would utilize to better frame your marketing. But I do thank yourself. I thank the Lodgers' Tax Board and I would like to be put on the list that you send out the information to so I could see it on a regular basis as well as any ads that you are running that are approved by the Lodgers' Tax Board as well.

MR. ROUNTREE: I'll do that.

CHAIR STEFANICS: Thank you. Following up Commissioner Anaya's recommendation I would like to see our ads as a link on our website. This was talked about a year or so ago at NACo about how important it could be for the counties to be the venue for advertising, and then oftentimes they come to the formal website. So it would be great if we could do something for visitors or something. If you would like more information or whatever. But thank you very much for the work of the Lodgers' Tax Board and your presentation. Yes. You had something else?

MR. ROUNTREE: Yes, Madam Chair. We'd just also like to thank the Board for the recognition that you gave to Flossie Brown after her service of many years on the board. She was quite thrilled to get that recognition and it meant a lot to her and her family and certainly the other members of the board were very happy that you took the time to do that. And thank you for your time today.

CHAIR STEFANICS: Thank you very much. And thank you for the presentation

XI. A. 2. Resolution No. 2012-82, a Resolution Requesting an Increase to the Regional Transit Fund (202) to Budget Additional Gross Receipts Tax Revenue Received for Fiscal Year 2012/\$126,276

MS. JARAMILLO: Madam Chair, Commissioners, as you know, Santa Fe County has imposed the regional transit gross receipts tax. In FY 12 the budget for the regional transit tax was \$3,845,000. The actual receipts came in higher than that at \$3,971,206, so the difference of \$126,276 needs to be budgeted in order to be transferred over to the Regional Transit District and this resolution would do that, allow for that to happen. And I stand for questions.

CHAIR STEFANICS: Thank you very much. Questions, comments?
Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I think that I'm glad to see that we have additional revenue coming from the Santa Fe County GRT and would look forward to the fact that this will provide the necessary resources all of the priorities set forth and put forward to the NCRTD board, including the priority of the Golden to Santa Fe route, as well as continued funding on the other routes we recommended. So this puts in place the resources that are directly linked to all the routes we've previously funded.

CHAIR STEFANICS: Before I acknowledge Commissioner Holian, is that correct? Commissioner Anaya's assumption?

MS. JARAMILLO: I'm not sure exactly how much the Golden route would cost the transit district. I would have to look into that and Mr. Mortillaro could answer the question unless Ms. Ellis-Green is here to do that.

COMMISSIONER ANAYA: Madam Chair, I would offer a clarification. On the resolution that we passed on the routes, the Golden route was actually the priority route that the Commission put forward that they wanted supported and the other routes, the special routes that we talked to were after the Golden route. So with the additional resources this would fully fund both aspects, but for the record our resolution, and Penny, I would like you to respond to that. Our resolution put forward that our priority is the Golden route and that the other routes be reviewed or the specials be reviewed after the Golden route. So this would fill the bucket, if you will, to be able to fund everything, wouldn't it.

MS. ELLIS-GREEN: Madam Chair, Commissioner Anaya, the resolution – you are correct. It states that in an NCRTD meeting that if there's a discussion between a specials route or a commuter route that we would take the side of the commuter route. It did list all of the existing routes plus the Golden to Santa Fe route, which I believe was budgeted or came in as an estimate of about \$100,000. I think just under \$100,000.

CHAIR STEFANICS: Okay. So maybe Commissioner Holian does have the comments or the answers to some of these questions. So let's go to Commissioner Holian and then if we need to we'll call Mr. Mortillaro up.

COMMISSIONER HOLIAN: Well, Madam Chair, actually I was going to ask Mr. Mortillaro up and discuss the overall budget. I think it's important to recognize the NCRTD is a regional body. It's regional in nature and it's budget is regional in nature. It isn't just a collection of separate budgets from each entity. So the overall budget of the NCRTD is no greater this year than it was last year even though Santa Fe County's portion is increasing;

other portions are decreasing, most specifically and most tellingly, Los Alamos is cutting down on the amount it is contributing. So in any event I would like to be able to ask Mr. Mortillaro to come forward and to address the overall budget of the NCRTD.

CHAIR STEFANICS: Right. I just want us to be very clear about whether or not this money is supporting existing services or whether it is going to be utilized for anything new. So Mr. Mortillaro.

TONY MORTILLARO: Good afternoon, Madam Chair and Commissioners. I think Commissioner Holian described our fiscal year 13 budget very accurately in that it is a flat budget and it funds all existing services. There were no additional routes funded in that budget that the board adopted in June of 2012.

COMMISSIONER ANAYA: Madam Chair.

CHAIR STEFANICS: Okay. So I just wanted to get this out on the table. Commissioner Anaya, then Commissioner Mayfield.

COMMISSIONER ANAYA: Madam Chair, it's my understanding that there was not a full quorum present to approve the full budget for the NCRTD board. Is that correct or not correct?

MR. MORTILLARO: No, there was a quorum. They couldn't have took action without a quorum.

COMMISSIONER ANAYA: Madam Chair, our priority from the Commission was to have the Golden route as a priority as Commission action that the County took over special routes.

MR. MORTILLARO: That's a separate issue that would be presented to the board in August, your resolution and the adoption of your service plan will be presented to the board in August with the service plans that were adopted and forwarded to the board by the City of Santa Fe and Los Alamos County. What exactly the board adopts and what services are fully funded there will be a board decision based on what's available in the budget.

COMMISSIONER ANAYA: So, Madam Chair, Mr. Mortillaro you said two things. The first thing you said was that the routes were approved, or the service routes have not been approved. Which one is it?

MR. MORTILLARO: I said the service routes that were funded in the FY 13 budget were the same ones that we're currently providing. Now, the board adopts service plans from our member entities once a year, mainly for those entities that receive regional funding, such as Los Alamos County and the City of Santa Fe. In the past the City of Santa Fe and Santa Fe County have submitted a joint service plan but this year you all have chosen to submit separate ones so the board has to deliberate on those. Those will be presented in August.

COMMISSIONER ANAYA: The routes have not been approved by the full board?

MR. MORTILLARO: The routes that are in place now are being operated as of this budget year. The board can amend those routes.

COMMISSIONER ANAYA: The service routes have not been approved.

MR. MORTILLARO: I guess we're splitting hairs here.

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COMMISSIONER ANAYA: Well, that's what I've been – I've been told that there was no action taken on the routes and that that's going to take place at the next meeting. We had a long discussion about that at the last meeting and we even had the discussion at the meeting before that that you were here. So the service routes are going to be deliberated and approved at the next meeting.

MR. MORTILLARO: The board in August can make modifications to service routes. Absolutely.

COMMISSIONER ANAYA: Madam Chair, we set forth our priorities as a County. Thank you.

CHAIR STEFANICS: Thank you, Commissioner Anaya. Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, thank you. Carole, so the County has set out a budget of \$3.845 million to send over as far as our obligation to the NCRTD?

MS. JARAMILLO: That's correct, Commissioner Mayfield. Our budget was \$3,845,000. However, we are required to transfer all of the funds that the tax brings in to the transit district.

COMMISSIONER MAYFIELD: Okay. And then hearing Mr. Mortillaro and at least last year when I was active with the NCRTD, the NCRTD sets up its own budget. The NCRTD also received, I'm going to say some additional funding for Los Alamos County. Correct me if I'm wrong. Los Alamos County has reduced that fund amount. So is Santa Fe County now making up the difference? Even though the law says we will give them this additional \$126,000. Should those be specifically for the whole global routes throughout the district and the region? Or should those be pertaining strictly to the Santa Fe routes?

MS. JARAMILLO: Madam Chair, Commissioner Mayfield, we are not increasing our budget and our contribution as a result of anything that any of the other members of the district are doing. This is strictly because we collected \$126,000 more in gross receipts tax from this 1/8 gross receipts tax than we had originally estimated in our budget. So any amount that actually comes in must be transferred over. Had I estimated that \$4 million would have been collected we wouldn't be standing here.

COMMISSIONER MAYFIELD: Okay. Fair enough. But this \$126,000 – maybe this is a question for Mr. Mortillaro. Mr. Mortillaro, will that be absorbed again, going along with Commissioner Anaya's comments, to the overall region, or more specific to pay for the Santa Fe County routes?

MR. MORTILLARO: Madam Chair, Commissioner Mayfield, the way we budget is the gross receipts tax is collected in all four counties. It's a transit gross receipts tax that belongs to the Regional Transit District, and it's merely sent to you by DFA for you to distribute to the district. So irregardless of what amount is actually estimated and put in your budget, whatever is actually collected has to be distributed back to the district. We project, just like you do, how much revenue will come from each of the areas, and that goes overall into our revenue source. And our GRT is about 70 percent of our total budget. The rest of it is federal, and then as you mentioned earlier, Los Alamos County. Los Alamos County was contributing about \$1.1 million a year to the district over and above what was collected in their community for GRT, and as a result of decreases in lab spending and what have you,

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and the expiration of the agreement that the district had with them for regional contributions, they have still made a commitment to make an ongoing contribution but they reduced it to \$500,000 for FY 13. FY 14 they're reducing to \$450,000 and FY 15 they'll reduce to \$400,000.

What's happened this year with the revenues is Los Alamos County's revenues that we were expecting to receive and had projected are probably about \$500,000 less year to date than what we were expecting. Thankfully revenues are up in Santa Fe County and they're kind of flat in Rio Arriba and Taos County.

The other thing to remember is that 50 percent of the GRT revenues that are collected in Santa Fe County are remitted to the Rail Runner. So any increase in revenues here, 50 percent of those have to be remitted to the Rail Runner, irrespective of what we thought was going to be generated and what we budgeted. So right now we're projecting an additional \$200,000 and some that we will have to send to the Rail Runner as a result of what may come in in terms of Santa Fe County GRT.

So our budget was – when you look at our projections for the remainder of the year and what's come in, we're projecting about \$111,000 under what we should be collecting, just because of the economy. So we've had to make that up through reductions in spending or hold-back in spending during this fiscal year 11.

COMMISSIONER MAYFIELD: So Madam Chair, Mr. Mortillaro, I was in a presentation you gave with the reserves that the NCRTD has. Are you guys supplementing this operation with any of those reserves. I know there was like a lifecycle that you projected to us, a 20-year lifecycle, kind of contingent on what Los Alamos contributions are going to be. So now that we know what at least the two next years of Los Alamos contributions are, what is that contingency of the reserves that you guys have right now, to carry us out? Fifteen years?

MR. MORTILLARO: Madam Chair, Commissioner Mayfield, we did update the long-term strategic plan and what was projected – I'm going off memory here so don't hold me exactly to what I say. I believe by fiscal year either 16 or 17 we will have begun to expend our reserves in order just to keep existing services in line and meet our capital needs if we don't have improving economic conditions or additional increased contributions from another source.

And our board policy is a 25 percent reserve requirement, so that's 25 percent of whatever the budget is that the board's adopted at that time has to be in reserves.

COMMISSIONER MAYFIELD: Twenty-five percent?

MR. MORTILLARO: Twenty-five percent.

COMMISSIONER MAYFIELD: And right now the board is where?

MR. MORTILLARO: We're around 26.

COMMISSIONER MAYFIELD: So you're right there.

MR. MORTILLARO: Yes.

COMMISSIONER MAYFIELD: Thank you, Tony.

CHAIR STEFANICS: Thank you. Are there any other questions? Yes,
Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I just want to re-emphasize the importance of the commuter route coming in from Golden. It would be the last linkage into

Santa Fe from outside of the county and it would serve the communities of Golden, San Pedro, Cedar Grove, Madrid, Highway 14, residents off of County Road 45, residents in the Valle Vista Subdivision including the public housing site, Cerrillos and Silverado Subdivision. Thank you, Madam Chair.

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR STEFANICS: Yes, Commissioner.

COMMISSIONER MAYFIELD: That being said, is there a sunset provision on this tax that we're putting out on the people? Is it an indefinite transit tax on everybody forever, or was there some sunset put into place on this?

MR. MORTILLARO: Madam Chair, Commissioner Mayfield, it does have a sunset on it and it's 2024.

COMMISSIONER MAYFIELD: 2024?

MR. MORTILLARO: 2024, so it's a 15-year cycle for the tax. For example, the Rio Metro RTD tax that's similar to ours does not have a sunset on it. So we do and we would have to go to the voters again prior to the sunset of that tax in order to see if they'd be willing to renew it or not

COMMISSIONER MAYFIELD: Okay.

MR. MORTILLARO: Like I said, it's 70 percent of our operating revenue. If the voters were not to renew it then I think you probably wouldn't see the district in existence at that time.

COMMISSIONER MAYFIELD: And Madam Chair, if it ever got to that what happens to all of the district's assets?

MR. MORTILLARO: The intergovernmental agreements that the parties enter into, and I believe state statute I believe address how the remaining district's assets would be disposed of and how they benefit the members.

COMMISSIONER MAYFIELD: So say the actual Jim West building that was just constructed in Espanola, would that arguably be up for sale?

MR. MORTILLARO: I'm not sure that one would be because the bulk of the money that went into purchasing that and outfitting that facility is federal, so it will get pretty complex.

COMMISSIONER MAYFIELD: We're not there yet. We've got some time here. Thank you.

CHAIR STEFANICS: Thank you.

COMMISSIONER HOLIAN: Madam Chair.

CHAIR STEFANICS: Yes.

COMMISSIONER HOLIAN: I'd like to move for approval. I guess we need public comment.

CHAIR STEFANICS: This is a resolution. Is there anybody in the audience who's here for public comment. Seeing none, Commissioner Holian.

COMMISSIONER HOLIAN: Madam Chair, I'd like to move for approval.

COMMISSIONER VIGIL: Second.

CHAIR STEFANICS: There is a motion. There is a second. Is there further discussion?

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

CHAIR STEFANICS: Thank you very much for being here, Mr. Mortillaro.

XI. B. Administrative Services Department

1. Request Approval of Amendment No. 1 to Agreement #2011-0270-CORR/MS with Diamond Pharmacy Services for Pharmaceutical Services and Supplies to Extend Agreement and to Increase Compensation an Additional \$280,000.00 for a Total Compensation of \$560,000.00

BILL TAYLOR (Purchasing Director): Yes, Madam Chair, thank you. It's a pleasure to be here this afternoon. The County of Santa Fe, particularly the Corrections Department is requesting approval of amendment 1, agreement with Diamond Pharmacy for pharmaceutical services for primarily Corrections. The purpose of the amendment is to extend the term of the agreement through August 31, 2013 and increase compensation by \$40,000 per year including year one in the agreement. The total amount payable shall not exceed \$280,000 per year. The contract increase is a result of additional beds being occupied at the facility, and Madam Chair, with that, I'll stand for any questions or clarification to the amendment.

CHAIR STEFANICS: Thank you very much, Mr. Taylor. Questions, comments from Commission members? Is there a motion?

COMMISSIONER VIGIL: I'll move to approve.

COMMISSIONER HOLIAN: Second.

COMMISSIONER MAYFIELD: Madam Chair, I have a question.

CHAIR STEFANICS: Yes, Commissioner Mayfield.

COMMISSIONER MAYFIELD: Mr. Taylor, this pharmaceutical agreement, it's totally run by the County, correct? No outside contractors running this for us? And two, has this ever gone out for RFP and when will it go out for RFP again?

MR. TAYLOR: Madam Chair and Commissioner Mayfield, the County went out for RFP in May of 2011. The contract was executed in September 1 of 2011. This current contract will expire – well, the term of the current contract is for four year annual renewals, up to four years. So this current term takes us through August 31, 2012. This amendment will increase the compensation from \$240,000 for the year to \$280,000.

COMMISSIONER MAYFIELD: A \$40,000 increase.

MR. TAYLOR: \$40,000. And then we're also asking to extend, renew a new year from September 1, 2012 through August 31, 2013 with an increase from \$240,000 to \$280,000 for that year.

COMMISSIONER MAYFIELD: And Madam Chair, Mr. Taylor, again, is there a reason why we wouldn't want to put this out on the market to see if we can get a better price for this?

MR. TAYLOR: We can certainly do that, Madam Chair and Commissioner Mayfield, we did do a procurement which the RFP, the agreement and everything said we could renew this for up to four years. So rather than, since we're in a current year now with

this we're looking at following through with those amendments allowing us to renew it. The pricing that was provided to us was very consistent, very close bids were put in on cost proposals. This was strictly a qualification-based but there were cost proposals but there were cost proposals that were submitted that were comparable. There were four firms and they were all very close in cost. There was very little differential on points as far as cost proposals went. So the Commission does have that capability of requesting. I would definitely recommend that we extend or at least increase the compensation to cover us for the current year. We wouldn't be able to get the RFP out probably as quick. The timing issue would probably be the issue we'd be running up against.

COMMISSIONER MAYFIELD: Okay. Madam Chair, Mr. Taylor I understand that, but again, the increase in cost, or what I think I heard from you, is that the more capacity that we have going on right there. The more beds that we've brought in.

MR. TAYLOR: That's correct.

COMMISSIONER MAYFIELD: We did not anticipate that when we let this contract out? Were we looking at a magic number? Would we have kind of thought, hey guys, what if we get capacity? Shouldn't we kind of have people – [inaudible]

CHAIR STEFANICS: Ms. Miller.

MS. MILLER: There were less than 400 inmates in the jail at the time that the contract was originally bid out. We now have an average of 550. It's a sheer volume. It's not a matter of having a cost overrun on the contract. It's a matter of actually having more requirements now because of an increase in population in the facility. In addition I just wanted to say that, also we do – when we look at whether we extend a contract or not is whether the contract's service is what we were contracting for. It does cost us quite a bit of time to rebid every single year, so we look at – and we did look in this particular one at cost. We actually did do – although it was a qualification-based RFP that also had a cost component where we did compare pricing between the – I think there were about five vendors who proposed on it, and also all the quality of service that's provided.

So we don't just, on these type of services, go out year after year after year because it's also an issue of continuity within the facility. If you're constantly changing your food service vendor or your pharmaceutical vendor or some of your services. So we looked at are we getting a good service for the price and what we initially went out to RFP for. If at the time that the first year of service is up, if we're happy with the service then we usually do extend for at least a year. If we think we can do better by going back out, we go back out. If it's particularly bad we can even terminate for cause and go back out.

In this particular contract they have been, as Bill said, it was an RFP just last year, so this contract has only been in existence for ten months so far, but we will probably do a look again next year prior to the end of the contract as to whether it makes sense to go back out.

COMMISSIONER MAYFIELD: So what I heard from that there's a hundred plus more over at the jail right now. Are we looking at maintaining that for a couple years, or going back to 400? Because if we are looking at the current bed capacity of over 512, and granted, these contracts may be doing a phenomenal job for us but if we put that out for RFP maybe somebody else would come in and say, hey, these are the dollars that we can provide you knowing that you have that many meds for that many beds.

Then my other question is so if we did revert back to 400 beds then we would also not pay these folks that much money. Correct?

MS. MILLER: Madam Chair, Commissioner Mayfield, we only pay for what we get, so as we use the pharmaceutical drugs for the inmates then we pay for those. If we do not use it we do not pay; the money would drop back into the cash balance.

COMMISSIONER MAYFIELD: Okay. Thank you.

CHAIR STEFANICS: Thank you. We have Commissioner Anaya.

COMMISSIONER ANAYA: Thank you, Madam Chair. I'd like to ask Mr. Sedillo to come forward if he could. I think falling in line with Commissioner Mayfield's comments which were all good comments and questions, I would ask you, there's been a lot of restructuring that you've been leading the charge on relative to work with the Manager and your staff, but quite frankly, there's been a lot of change that's gone on at the detention center and we've increased the utilization of many of our beds, which is a good thing as staff pointed out and Commissioner Mayfield just re-emphasized. But based on your long-standing work in corrections and your experience and your interaction with this provider, I'd like you to comment on the record as to your professional perspective on the work they're doing and this agreement.

PABLO SEDILLO III (Public Safety Director): Well, Madam Chair, Commissioner Anaya, let me first begin by saying that we are working very closely with this. Diamond Pharmacy actually has a list of meds that they provide for our inmates. We are looking at trying to curtail that list and provide that in our commissary so it won't absorb the cost so much to Diamond Pharmacy. Our inmate capacity has increased. Santa Fe County, in June we averaged about 539 inmates. Out of that 539 inmates we've had approximately around 275 of Santa Fe County inmates and the rest are other. So in July we are averaging 574 inmates with the capacity of about 43 percent of that out of Santa Fe County.

So the more increase you have with the medications and the inmates with the medications, we're looking at the type of medications that we can sell through our commissary instead of just arbitrarily giving them to the inmates, such as some creams that they use for their skin, basic aspirins, basic other type of meds that they give. I think that's one way that we could curtail that cost as well.

COMMISSIONER ANAYA: So, Madam Chair, just for fiscally, based on your interaction with this company and your background and professional experience, you're comfortable with the services that they provide and the amendment before us today.

MR. SEDILLO: Madam Chair and Commissioner Anaya, yes I am at this point.

COMMISSIONER ANAYA: Thank you, Madam Chair.

CHAIR STEFANICS: Thank you. We have a motion and a second to approve.

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

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XI. C. Public Works Department

1. Request Approval of the Purchase of a Conservation Easement Under the USDA Farm and Ranch Lands Protection Program on Approximately 17 Acres of Agricultural Land on the Santa Cruz River at Rancho Valle for \$70,000.00 on Recommendation From the County Open Lands, Trails, and Parks Advisory Committee

MR. LEIGLAND: Madam Chair, this is a very interesting initiative and I'm going to read the details of it for Ms. Baker to describe. She just handed out a letter of support from one of the parties. What I do want to mention is that what we are asking for today is a request for approval; it's not necessarily the actual request to expend the funds. It's more- it's just a permission to continue on, because the other parties involved in this negotiation want some sort of assurance before they start taking further action.

CHAIR STEFANICS: So, Mr. Leigland, you're saying we're not approving the amount of money today?

MR. LEIGLAND: Madam Chair, I wasn't very clear. What we're looking for today is just the approval for the - I guess approval, but we'll be coming back to this Board probably in October when the actual funds are expended. So what we're asking today really more is assurance to the people behind me that they can go ahead and press on with what they need to do. And so -

CHAIR STEFANICS: So is it, Mr. Leigland, is it approval of the negotiation of approximately \$70,000?

MR. LEIGLAND: Madam Chair, I guess what we're looking for is more earmarking \$70,000 at this point, saying yes, the County wants to continue this and we're earmarking \$70,000. But as far as the nature of the actual - what it will be when the funds actually change hands will be a contract and the signing of a lease or something like that. But we'll be coming back to this Board for that actual instrument.

So maybe what I should do before I confound things even more is turn it over to Colleen. She will explain what this is and she can talk about the process in a little bit more detail.

CHAIR STEFANICS: Thank you very much.

COMMISSIONER VIGIL: I have a question for Legal. Is it fair to say that we may be looking at this as a preliminary plan or a conceptual plan approval at this stage?

MR. LEIGLAND: Madam Chair, I think that might be an apt characterization.

COMMISSIONER VIGIL: Okay. So the conceptual plan is really just going to - the approval will just give you the permission to continue with negotiations and then we will come back with COLTPAC and the dollar recommendation.

MR. LEIGLAND: Madam Chair, Commissioner Vigil, that's correct.

COMMISSIONER VIGIL: Okay. Thank you.

CHAIR STEFANICS: So we can either fully vet it today or we can fully vet it when you come back. But we want to remind people if we fully vet it today let's remind all of us that we did when you come back. So Ms. Baker, go ahead.

COLLEEN BAKER (Open Space Program): Madam Chair, Commissioners, what we're asking for today is your approval to go forward. We do have a complicated

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conservation easement and purchase agreement to prepare, and it takes time to do that, on our legal staff as well as the New Mexico Land Conservancy staff and the landowners. So we didn't want to go through that process without first vetting this with you and that's why we're here today. Traditionally, under the COLTPAC applications we actually have a pre-approval process where we've come before the Board, propose a project, get approval of the project, and then proceed with negotiations. So that's in effect what we're doing today.

So I really appreciate the opportunity to say a few words today about this project. When the New Mexico Land Conservancy first brought this project to our attention staff and COLTPAC really saw a great opportunity to take the Open Space and Trails program in a new direction, and by that I mean looking at conservation easements as a way to accomplish our goals in protecting open space while not taking on the full responsibility of managing the property that we own.

So there's three particular benefits that we saw that I'd like to spell out. One, is that this project really implements County policy in adopted plans, ordinances and resolutions, directly, in the protection of open space, in supporting local agriculture, in protecting our cultural heritage of the acequia traditions along the northern New Mexico rivers, economic development of the farming and agricultural traditions but also the economic development of tourism, that people come to see this landscape that we have in Santa Fe County. And food security as well, local food security.

The second major benefit that we saw is this project leverages significant amounts of federal funding. The program is run by the National Resource Conservation Service. It's the Federal Farm and Ranchlands Protection program, and for our 25 percent of the matching we're actually leveraging 75 percent of federal and private funds. So we're actually extending our dollars a considerable amount.

The third benefit that we saw is that the way this project is set up we are actually adding no additional operations and maintenance burden on the County. We will have no obligations to manage this property the way we're setting this up because we will be co-holding the conservation easement with the New Mexico Land Conservancy and they will manage the easement. So we are strictly providing match and we will be co-owners of that easement.

This partnership is really diverse and strong. We have not only the federal National Resource Conservation Service, we have the Federal Farm and Ranchlands Protection program, we have a local non-profit land trust, the New Mexico Land Conservancy. We also have the Santa Fe Farmers Market Institute and the private owners, the Bennetts, with Santa Fe County. So we have a very broad partnership that we're pulling together to do this project. And we're really seeing this as a model, that if this works, we could replicate it across Santa Fe County and really keep land not only protected but in production for local agriculture. That's really what our intent is.

So I – there are members of the public here that I would like to offer a chance to speak if that is the Commissioners' will. We have the landowners here. We have a representative of the New Mexico Land Conservancy and of the Santa Fe Farmers Market Institute.

CHAIR STEFANICS: Thank you, Ms. Baker. I don't think this will be controversial but I'll be happy to entertain any comments from the audience. Let's make sure they're short. And if you would just introduce yourself.

MICHAEL CISCO: Madam Chair, Commissioners, my name is Michael Cisco. I'm the conservation director for the New Mexico Land Conservancy, and I want to thank you for considering this proposal. We at the New Mexico Land Conservancy feel that this is a very important project for Santa Fe County, just because of the basic fact that it's going to be protecting in perpetuity a valuable and irreplaceable land, irrigated agricultural land, and also scenic open space, which is disappearing at an increasing rate in the more settled and urban areas of Santa Fe County.

We also see this as Colleen mentioned as a potential model to replicate this process throughout farmland in Santa Fe County. One thing that Colleen did not mention is the way we're structuring this process is we want to take the value of the land down to a point where low-income and young farmers can actually purchase property to farm and manage themselves, because as you know, irrigated property in Santa Fe County is prohibitively expensive for people who want to make a living off the land.

So we can give details on how this would be accomplished but that's one of our primary goals is to make sure that this land is affordable to our lower income farmers.

CHAIR STEFANICS: Thank you very much. Anybody else who'd like to speak?

JULIE BENNETT: Hello Madam Commissioner, Commissioners, thank you for allowing me to speak. I'm Julie Bennett. Along with my husband Scott we own the property that we are attempting to put into a conservation easement. I am a long-term citizen, involved person in Santa Fe County land use. I sat on the Citizens Advisory Committee for the last land use plan and also participated in the Sustainable Development Code planning process on this go-round.

We have lived in La Puebla where this property is located since 1982. We've seen intense development pressure on irrigated land in that area and we were concerned about this property before it came into our ownership. Our motivation is really to make sure that the acequia culture does persist into the future, that this land that was meant for agriculture is allowed to be farmed in perpetuity. We have such amazing partners that have come together in the form of the New Mexico Land Conservancy, the Santa Fe Farmers Market Institute and potentially Santa Fe County to make this happen and to potentially see it happen again. We're really excited that this possibility might be something that other landowners of similar types of property might be motivated to participate in. So thank you.

CHAIR STEFANICS: Thank you. Do you have anything, sir?

SCOTT BENNETT: Briefly, we feel very strongly about this property and it has – it's a wonderful, valuable piece of property. We are donating a lot of that value ourselves and we'd like to – we just need a little help from the County and others to make this worthy project go forward. We could certainly do other things with the property but if you come out and see it; Commissioner Mayfield I believe has seen it. It really deserves to be preserved in a wonderful – for the public. And this will make that happen. Thank you for listening to us.

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CHAIR STEFANICS: Thank you. Go ahead, Commissioner Vigil. I believe that there's a question.

COMMISSIONER VIGIL: This is a question for you, Mr. Bennett and Ms. Bennett. A lot of the acreage that's going to be dedicated to the conservation easement isn't the total amount of the property that you own. Is that correct?

MS. BENNETT: We own approximately 21 acres and we're considering donating 17 of that acreage.

COMMISSIONER VIGIL: So the remainder will remain with you?

MS. BENNETT: Right.

COMMISSIONER VIGIL: Okay. I just needed that clarification. Thanks.

CHAIR STEFANICS: Thank you. Ms. Noss, did you want to make comment?

SARAH NOSS: Thank you, Madam Chair. My name is Sarah Noss. I'm the director at the Santa Fe Farmers Market Institute. Very briefly, I just wanted to explain why we are involved in this process. The Bennetts – the Institute will purchase the fee title to the property once it's put into an easement from the Bennetts. What we're going to do is make sure to sell or lease the property to a suitable farmer at the land's agricultural value. Our involvement ensures that the property restrictions contained in the easement will require some level of agricultural activity on this property to keep it in production, to keep food being produced on it, and will also ensure that any subsequent valuations or sales of the property will be based on the agricultural value of the land and not its market rate, which is prohibitively expensive for local farmers.

The benefit to the community in having this done, in our opinion, over the last five years the state's lost at least 200,000 acres of farmland and 500 farms to subdivision and the loss of water rights being transferred off the land. The County will be fulfilling some of the goals under the Sustainable Development Code related to agriculture preservation. The County will be fulfilling the goals of Santa Fe County Resolution 2010-60, which includes protecting Santa Fe County's cultural heritage, traditional way of life, wildlife habitat, wildlife corridors, providing locally grown produce, dairy products and other foods that are fresher and healthier than imported foods, and protecting Santa Fe County's food security by ensuring that we have the ability to produce food locally. So we're excited to be involved in this project and looking forward to it. Thank you.

CHAIR STEFANICS: Thank you very much. Is there anybody else from the public who would like to make a comment? Thank you. Questions, comments from Commissioners? Commissioner Anaya, then Commissioner Mayfield.

COMMISSIONER ANAYA: Madam Chair, I'm familiar with the area. I actually have family connections to La Puebla. Talk to me about the price and the value. Is it \$280,000? Am I understanding that correctly? That the \$70,000 is our 25 percent match and the total value is \$280,000 on the property that's going to be leverage with other monies?

MS. BAKER: Madam Chair and Commissioner Anaya, I'd like to turn that over to Michael Cisco because he's been intimately involved in how that structure has evolved.

COMMISSIONER ANAYA: Okay.

MR. CISCO: Madam Chair and Commissioner Anaya, basically how the \$70,000 was arrived at is through the federal Farm and Ranchlands Protection program. They

require a 25 percent match and then they will pay 50 percent of the easement value, and then the landowner has the option of donating the initial 25 percent for the easement value or the development rights they're giving up. So we applied for and were granted a \$190,000 grant from the federal Farm and Ranchlands Protection program. If you take that and doubled that that would be \$380,000, and then you would essentially be up supplying \$70,000, and the landowners would be donating the remainder of the value.

COMMISSIONER ANAYA: Okay. Let's back up. I'm sorry. I just want to make sure I understand. So I thought 25 percent was the \$70,000. That would take it to \$280,000. And you said no. Clarify.

MR. CISCO: Yes. RCS has some interesting rules. They base what they pay off the purchase price of the easement and not off the appraised value of the easement. So you kind of have to do backwards math in order to figure that out. So what you have to do is essentially take a third of \$190,000, if I'm doing this correctly, and then add that to the \$190,000 and that would be the purchase price. So it would be essentially \$260,000 would be the purchase price of the easement.

COMMISSIONER ANAYA: So tell me your last name again. I'm sorry.

MR. CISCO: Cisco.

COMMISSIONER ANAYA: Mr. Cisco, so you said – so is that residential value of the property? Residential use?

MR. CISCO: That is the highest and best use of the property, which is usually residential development and that's determined by the appraiser. So essentially the landowners are giving up their right to subdivide and develop the property. And based upon where the property is located, its zoning and the market in that area, and the current market in that area determines what that value is, their development rights.

COMMISSIONER ANAYA: So Madam Chair, Mr. Cisco, is that based on recent comparable sales? The reason I'm asking the question is because now, as it stands, I get calls from constituents throughout Santa Fe County about agriculture land being higher value, at appraised higher value than it really is, based on use. So I just want to – I heard you say you're trying to preserve it but you're essentially trying to buy it at market and then turn it back and sell it below market for agricultural use only?

MR. CISCO: Yes. Yes. So the appraiser is going to look at what the market value of the property is currently using comparable sales as current as possible within close proximity to the property, and then he's going to determine what restrictions are going to be placed on the property through the easement, and then he's going to value it again and the difference between the fair market value and the restricted value is what the Bennetts' donation is going to be. And so that's the development rights they're giving up. So then after the restrictions on the property then that's the value of the property, basically at ag rates, is what that property is going to be worth at that point in time.

COMMISSIONER ANAYA: What is that per-acre value at ag rates, based on what your calculations are?

MR. CISCO: It's different in different parts of the state.

COMMISSIONER ANAYA: Right there, on this property? What's the ag rate per acre of this property?

MR. CISCO: We haven't had an appraisal done at this point so we're not exactly sure what that's going to be, so it's hard to tell what that number is going to eventually end up being.

COMMISSIONER ANAYA: You don't have any idea?

MR. CISCO: No, I wouldn't want to venture to guess.

COMMISSIONER ANAYA: And Madam Chair, Mr. Cisco, how was this parcel identified? How did you get engaged and why this property? Was there any type of a process where you looked at parcels in the valley and sought feedback from land or saw specific land that was in proximity to community hogs or other community facilities? Or was there any of that? Or how did it come about that it was this particular property that was identified?

MR. CISCO: Madam Chair, Commissioner Anaya, actually we were approached by the Bennetts back in 2009 to place an easement over their property. They were interested in conserving the property but at that time the conditions we were working under didn't warrant placing an easement at that time, so over the past three-plus years we've been developing this coalition and these partners, getting the funding in place, getting the farmers market to actually purchase the property after the easement's on it. Because it did simply start out as a normal, what you would consider a donated easement on the property, where the owners would just donate the development rights to us as a non-profit. But the conditions at the time didn't allow for that.

So we've worked with the landowners and our partners to kind of make it so not only is it more beneficial to the landowners at this point but it also is more beneficial project to the public and to the community, because now we're making the land more affordable for agriculture and we're involving many public agencies who all have different interests in the property, and those interests overlap to a certain extent. So I think Santa Fe County's involvement in the process is very important because you're providing not only the matching funds but you're also showing support for this kind of effort in the county.

COMMISSIONER ANAYA: Madam Chair, one last question. Mr. Cisco, is there any other La Puebla community leaders that have been part of the discussions and the project to this point?

MR. CISCO: Madam Chair, Commissioner Anaya, I think the Bennetts have spoken with a lot of their neighbors about this project and from our experience in working with the land trust and working with a lot of landowners around the state a lot of people like to see how things work before they actually move forward and do them themselves. I think the Bennetts are kind of forging ahead with this and being leaders in their community and once their neighbors see that, oh, okay. Everything's great. They benefited. The land is still in production. It's protected. Maybe I should do this. And that's generally the pattern we see as a land trust around the state on the projects we do work with. And a lot of the projects we do are based off referral from landowners we've worked with.

COMMISSIONER ANAYA: So, Madam Chair, and I think it's a real interesting concept and it's – I would say, a progressive spin on trying to create conservation easements. We get a lot of feedback as Commissioners and caution relative to issues around dealing with private individuals. Is the conservation aspect or the primary aspect – how is it that we – is it that we, because we're selling it to a non-profit and then they're going to turn

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around and sell it back to a private individual, potentially, or multiple private individuals – I see people in the audience shaking their heads no but I see you going yes. So it's my understanding that you're going to buy this as a non-profit and then potentially sell it back to a private individual to do agriculture on. Is that right?

MR. CISCO: Partially, Madam Chair, Commissioner Anaya. What's going to happen is the Bennetts are going to get paid a portion of the value of their property and they're going to donate the remainder portion. So part of what you're saying is true. The Farmers Market is going to purchase this property at a below market value sale, what we call a bargain sale, and then what they hopefully are going to do is turn around and sell the property to an agricultural landowner, probably at or below what they bought it for. Because the whole goal of this is, as we mentioned, to keep the property value so low as to where it's at a point where agricultural users can afford to farm the property. So that's – but as far as conservation easement is concerned, the Farm and Ranchlands Protection program is buying a portion of the easement. If you would allow this project to move forward Santa Fe County would be buying a portion of this easement, and then the rest of the easement would be donated to the New Mexico Land Conservancy. So we'd have an interest as well, but our interest would be a donated interest while your interest would be a purchase interest as well as the federal government would have a purchased interest.

COMMISSIONER ANAYA: I'm just thinking out loud but we passed an ordinance or a resolution some months back supporting ditch associations, acequia associations in Santa Fe County. I would just ask that as we're going through the process that we bring acequia associations into the discussions but that potentially the association, which is a subset of government – acequia associations and mutual domestics carry a little bit different status because of their nature, but maybe those associations would be part of that consideration of ownership instead of maybe selling back to agriculture [inaudible] Maybe it would be an association of people that would farm or share in that use.

CHAIR STEFANICS: Ms. Baker, do you want to respond?

MS. BAKER: Well, a point of clarification, Madam Chair and Commissioners. What we're buying, what the proposal in front of you is is buying the right to develop that property. It's a conservation easement, just like an access easement, you sell the right to access a property. The owner is selling the right to develop that property, not selling the property. That's a separate negotiation. So the public benefit of buying a conservation easement is to keep that land open. It's a viewshed; it supports agriculture, the local economy, economic development, but we're not buying the land. We don't have a purchase of that land. So what then is being sold again is just the land minus its ability to be developed.

So, yes, the property could be sold to an association versus an individual, but really in managing property we're trying to keep land in agricultural production under private ownership. We're not trying to take ownership of the land. If that clarifies and answers any of that.

COMMISSIONER ANAYA: It does. It kind of raises more questions though. So essentially, we're just buying the development right and the owner is going to retain use of the property?

MS. BAKER: What we would do is the appraiser appraises the property value right now as if it could be developed, subdivided into residential property. Then we appraise the value a second time, of the land without that right and subtract that difference. So what we're paying for is only the difference if that landowner could subdivide and develop the property. We're not paying for the actual value of the land in agriculture.

CHAIR STEFANICS: Mr. Ross, would you rephrase this any differently? Because I had several questions as well earlier that I asked them to address and I felt my questions were answered. And I really appreciate Ms. Noss and Colleen working with Mr. Ross on this but would you restate it any differently for the Commissioner?

MR. ROSS: Madam Chair, I thought she did a very good job of restating it. What it is it's the right to develop that we're buying. That's it. As an easement it's sort of an intangible interest. It's not an interest in land; it's a right to develop land.

COMMISSIONER MAYFIELD: Madam Chair, or to not develop land.

MS. BAKER: Right.

MR. ROSS: We're buying the right to develop the land and holding it, and because we have it it isn't going to be developed.

CHAIR STEFANICS: Okay. So Commissioner Anaya, you still have the floor.

COMMISSIONER ANAYA: So the question that comes up in my mind is if we're – and understanding if there's a series of partners that have partnered on this parcel and are looking at this as an option, what's our response as staff or elected officials as to, great. I'd like to do that tomorrow. How do I get started to where I would preserve my land and use it for agricultural use and then get paid for a potential development right that may or may not be exercised? How do we deal with that aspect of that particular project? Because this could open up the floodgates if you open it up to people who say, yes. Great. I'll give up – I'll sell you a potential development right tomorrow and here's what that potential may be and given this economy my assumption would be a lot of people right now might say, yes, potentially it could be developed and worth a lot of money, but whether or not that's realistic right now in these times I don't know, and that's where I have a question relative to use of taxpayer dollars to say, well, if we did it for this project it would conserve 17 acres here but what do we tell the next 20 people that come through the door that say we'll partner with the federal government or non-profits or others. Do you kind of get the position that puts us in?

MS. BAKER: Madam Chair, Commissioners, yes, it does set an example and actually that's part of what we're hoping to do. As you heard Michael Cisco say it took over three years to develop this one project and really, potentially it can open the door to further federal funding and further private funding. So we are setting an example, but we're also trying to look at this as a broader policy of being able to leverage a smaller amount of County to funding to a larger amount of federal funding and private funding in the future. And it will take time to develop and we don't have the resources right now but we can certainly accomplish more under this process than we can in outright buying fee simple agricultural land. We would not be able to accomplish as much by buying the fee. And that certainly is what the program has already been doing is buying the fee property and protecting some property but not as much as we could by using a model like this.

COMMISSIONER MAYFIELD: Madam Chair.

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CHAIR STEFANICS: Commissioner Anaya, are you finished?

COMMISSIONER ANAYA: Yes.

CHAIR STEFANICS: Okay. Commissioner Mayfield.

COMMISSIONER MAYFIELD: Thank you. Madam Chair, Ms. Bennett and Ms. Noss, I did go to this property with staff and it's a beautiful piece of property and I see what they're trying to do and I really do want to support this initiative. I think it would be great, but I do have some questions to ask. Everybody around here knows I have some questions. But that being said, again, all my questions are just to keep us all out of hot water, especially me. I want to say that. There's no violation of Anti-Donation Clause with such a transaction?

MR. ROSS: Madam Chair, Commissioner Mayfield, so long as we pay no more than the market value for it that's correct. And they're going to appraise it, so we need to not pay over the appraised price.

COMMISSIONER MAYFIELD: Okay. And then I also heard respectfully, that we're kind of setting out a model, but also I think we might be setting a precedent in hearing Commissioner Anaya's comment. Well, tomorrow a landowner will come in and say, hey, I want to do this. Where's my \$70,000 and then each other Commissioner from different districts. This is in District 1 just so everybody knows it. Will say I want to do that also. So I just – and again, respecting the Bennetts in this process, I just want to know, kind of when I talk about RFPs and everything else, that everybody had this same opportunity to move down this road for any other bit of work.

Maybe the Farmers Market in the negotiation was made here and that's great but maybe there's other individuals out there who wished to have been approached at some time.

MS. BAKER: Madam Chair, Commissioners, I believe that the way the Open Space and Trails program has been set up all along we had funding to buy property and we did advertise that we were accepting applications. We still go through that process. We still accept applications to the program, review it through the County Open Lands and Parks Advisory Committee. So we really haven't changed that structure. We're still inviting applications, reviewing the public benefit taking it through our legal counsel and making sure that we're reaching public policy and making sure we're not violating any Anti-Donation laws. So yes, we are, but we already have a structure to handle what we've set up. We're buying agricultural easements and we're buying property. We already have a structure to handle that I believe.

COMMISSIONER MAYFIELD: Okay. No, that's great to know. And then you guys are trying to match it with what federal dollars might be out there to get our biggest bang for the buck. Let me ask this, in your summary now that you gave to us. In the summary memo that was provided to us, I'm looking at the second paragraph, or arguably the first full paragraph on the second page, and it says once the conservation easement is complete the landowners intend to donate the easement. I want to make sure that there's no intention, that this easement is going to be donated.

MS. BAKER: The easement is not going to be – the easement would already have been completed. The land, and I will let the Bennetts answer that. They will be donating it to the Farmers Market Institute.

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COMMISSIONER MAYFIELD: Sure, Ms. Bennett, and also I noticed that this, because the history of that property is pretty amazing. I know that it was already an educational facility for a lot of the local youth out there. It was a veterinary clinic, so even if you wanted to give some of the history of that land.

MS. BENNETT: Yes. The property has a long history and there was a lot of community involvement from the previous owner, just basically stewarding the local boys in good directions. He put them to work on the farm, he grew hay, primarily and kept horses, but he was a very understated community leader who we would like to honor in this process. I would like to say several things. Commissioner Anaya spoke about the acequia association as a potential beneficiary or participant and I think that's very important. I have spoken with Kenny Salazar who's the Santa Cruz Irrigation District Commissioner and very active in water banking activities in his district. Currently what's happening in northern Santa Fe County is property is being subdivided into $\frac{3}{4}$ -acre pieces because that's our minimum lot size and those properties, if they have irrigation rights are either abandoning their rights or they're being requested to water bank their rights for future use.

It's pretty ineffective to irrigate a $\frac{3}{4}$ -acre piece of property with a house in the middle of it. It basically means you're irrigating your living room. I think some of the County's rulings about cluster development will maybe ameliorate that problem, but up to this point the way the building development has happened in La Puebla at least it's impossible to irrigate those fields around those residences. And I can't speak for Commissioner Salazar but I think he would support this wholeheartedly. I know our mayordomo is very – both of our mayordomos are very supportive and our neighbors are very supportive. Having an open space property next to your property actually increases the value of the other residences in the area, I think because there's not a lot of development in the midst.

We have seen La Puebla over the years we've been there – it's a bedroom community, basically. People leave to go to work there. If this process works out, and it is complex and the fact that you're hearing about it for the first time today and trying to understand is admirable because it's taken us many years to really understand. In terms of donating the fee through a bargain sale to the Farmers Market Institute, we feel that is key to the success of the project because it means that there will be agriculture activity on the property into the future.

As individuals who are going to pass on as we all do, we will not be able to make sure that that happens but the Farmers Market Institute as a non-profit will make sure, and the language that they're writing right now to be placed in the easement will make sure that the land will stay in agriculture perpetually. This process for us represents a loss of revenue for us. We could potentially have sold the property to a developer to be divided into $\frac{3}{4}$ -acre lots and we chose not to, so we do need to, as working class citizens, receive some compensation for the value of that property but by no means does this value reflect what it would bring on the open market. But that's just something that we feel so strongly about that we've worked over the years to form this coalition. The Santa Fe Farmers Market Institute has an organization called SALCI, the Small Agricultural Land Conservation Initiative and they actually, when they heard what we were trying to do they actually came on board.

So it's been sort of like an amazing parade of people joining us. The County is a very important piece. This is not the first time this has been done in the country. We're working with a really amazing group of people called Equity Trust and they have helped broker an

form projects like this around the country, in Massachusetts, California, Vermont. So it's not like we're forging new ground completely, but in New Mexico we are. We have a neighbor who has built on his property legally. His property is in the floodplain of the Santa Cruz River and he has to, as a result of the high groundwater, he had to put in a mounted septic tank. His drainfield is above ground. We're trying to avoid the need for that or the situation where that has to happen for people who exercise their property rights. We really think this land should stay farmed and be in agriculture and actually enhance the farming and agricultural profile of the property.

COMMISSIONER MAYFIELD: Madam Chair, Ms. Bennett, as far as surface water rights with this potential 17 acres that you guys are going to donate or sell, what amount of surface water rights will stay with that 17 acres and what's the overall amount of water rights that you have for the full 25 acres?

MS. BENNETT: We own 21 acres currently. We have 15.17 acre-feet of water. Surface water, correct. And all the property that is going to be property that is going to be placed in the easement will have the concurrent water rights. No water rights will be separated from the land that will be placed in the easement. Does that answer your question, Commissioner?

COMMISSIONER MAYFIELD: Yes, but what amount of concurrent water rights?

MS. BENNETT: It's like 11 acre-feet? A little over 12.

COMMISSIONER MAYFIELD: Okay.

MS. BENNETT: On two acequias.

COMMISSIONER MAYFIELD: Then, Madam Chair and whoever can answer this question, as far as a conservation easement, because now that I – I physically was out there but now that you're talking I'm getting more questions in my mind. So that strip that we drove down to arguably the old, beautiful tack shed that's out there, that's the conservation easement, right?

MS. BENNETT: No. That's currently is slated to be the access to the conservation easement. It doesn't serve the easement for that land to be placed in the easement because there's restrictions on what they call permeable surfaces and a driveway is considered an impermeable surface, so it behooves us to keep that driveway separate, out of the easement, and to grant the Farmers Market Institute access to the eased property on that driveway.

COMMISSIONER MAYFIELD: So it would run parallel to that property that runs down the river?

MS. BENNETT: I'm sorry –

COMMISSIONER MAYFIELD: I guess what I'm trying to see is how the public can access this piece of property.

MS. BENNETT: Through that driveway that you drove on.

COMMISSIONER MAYFIELD: So that probably will act as that property.

MS. BENNETT: That will be – we have had to draw a building envelope that will show on the property where the agriculture buildings will be and also residences for the farmers will be, and we will designate an easement along that driveway for them to come to

and fro with their farm machines, with their trucks that will take the produce to market or local venues.

COMMISSIONER MAYFIELD: Or again, if people just want to go up and have a picnic, they'd have a right to access that property also, right?

MS. BENNETT: The property will be open to the public at designated times.
Yes.

COMMISSIONER MAYFIELD: Okay. And then as far as the laterals on the acequia runs, because that's right in the easement. Are you proposing to move that?

MS. BENNETT: No. The Maestas Ditch that we stood by, that will be in the easement. The Maestas Ditch, the easement will be bounded on the south side of the Maestas Ditch, that's the boundary that seemed most natural to us. We have the right to draw it wherever we want. And as you know, public access to the acequias is a right by law. So the ditch crew and anyone who needs access to the ditch has access just by virtue of the laws of the acequia.

COMMISSIONER MAYFIELD: And when you all, Madam Chair, excuse me, and when you all sell this property or do what you're doing with the Farmers Market, and if they individually sell it to other local farm producers, will each of those folks have an agreement or belong to the Maestas Ditch Association, or is it the Farmers Market that is going to make sure the dues are paid. Just so that – and I'm going to say it – the ditch association ain't chasing money from anybody.

MS. BENNETT: Well, they are chasing money from many parciantes. It's a big issue for them and it's sort of challenging for those parciantes that are really trying to irrigate, but we do our best and we try to talk to our neighbors and drum up business for the acequias. The Farmers Market Institute will sell or lease the land as potential. They may lease it to a farmer and those farmers will have the appurtenant water rights associated with that agreement.

COMMISSIONER MAYFIELD: Okay. Madam Chair, thanks, and thank you all for being here and it is a beautiful piece.

CHAIR STEFANICS: Thank you. Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Madam Chair. First of all, Mr. and Ms. Bennett, I really want to thank you for what you're doing and I realize you're doing it from your heart and it's a piece of land you want to save but it's also a sacrifice. I can understand a little bit or I can relate a little bit because my husband and I have put a conservation easement on 500 acres that we own on Glorieta Mesa, although what you're doing is far more complex and you're actually saving agricultural land. I just think that it's so important that we develop that model because I think that for the good of our future food security that we really need to figure out how to save as much of our agricultural land as we can. So I hope that my colleagues are right, that you've opened the floodgates and we're going to have more of this in the future. I see those that we only have \$860,000 a year to work towards these kinds of easements.

MS. BENNETT: Well, the fact that we have so many partners means that you can leverage those dollars more, and I really do respect Commissioner Anaya's and Commissioner Mayfield's concerns about opening the floodgates. We tried to do this in 2009 and it does cost money to put your money into a conservation easement. The cost is

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considerable, and without the partnership here we would not be able to do this. We've been underemployed for many years for various reasons and we have finally, hopefully, found a way that we can sort of put our goals in place through the support of all these constituencies – the County, the feds, the state tax credits will play a part in this, the participation of the Farmers Market Institute, and I hope that the County feels that it does support your land use code, our land use code and will encourage others to participate. If this takes place and goes into effect I think Scott and I will be willing to speak to other landowners and talk to them about our experience in doing this. We're very hopeful. This is a very big crossroads for us. If this happens I think Santa Fe County will be put on the map basically, around the country as another municipality that is supporting their code in a real creative way. So I thank you all for your consideration very sincerely.

COMMISSIONER HOLIAN: Thank you.

CHAIR STEFANICS: Anything else?

COMMISSIONER HOLIAN: I just want to add that if we go forward with this I will be very proud of what our County is doing to help in this process and being a partner in this process. And I will just add that I think it fits right in with the resolution that we passed a couple of years ago saying that we want to preserve agriculture in our area. So with that, I would move for approval. Although I don't know if we've had public comment yet.

CHAIR STEFANICS: We have taken public comment.

COMMISSIONER VIGIL: Second, Madam Chair.

CHAIR STEFANICS: Okay, so Commissioner Mayfield, you're next.

COMMISSIONER MAYFIELD: Madam Chair, where have we identified this \$70,000 from?

MS. BAKER: We have set aside an account from revenues that were budgeted in fiscal year 12, and we moved them forward for fiscal year 13.

CHAIR STEFANICS: For open space.

MS. BAKER: For open space.

COMMISSIONER MAYFIELD: And then Madam Chair, and Ms. Bennett's comments, and they may even lead to an educational model to help other folks who respectfully may not be as knowledgeable to get this process moving, because that where I think potentially there could be that equity balance of people saying, hey, I'd like to do this. I just don't have arguably the know-how how to do this. If we could do this. Also, Madam Chair, I'm going to support this project. It is in District 1 and would just also ask that I be recognized as making the motion to approve this please.

CHAIR STEFANICS: Would the maker of the motion withdraw the motion so the Commissioner of that district could make the motion?

COMMISSIONER HOLIAN: Yes. I would be delighted to.

COMMISSIONER MAYFIELD: Thank you, Madam Chair.

CHAIR STEFANICS: Thank you. We appreciate that. Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, Colleen, I like the concept. I really do and I'll probably vote for it, but what I want to ask you again, and you made some comments as to what we advertised. But I don't think people – this would be the first time Santa Fe County would do something like this?

MS. BAKER: This is the second time, Madam Chair and Commissioners. We have purchased one other conservation easement on one of the properties in Chimayo, the Los Potreros, where we purchased just the conservation easement and the landowner still owns that property and uses that property as pasture land.

COMMISSIONER ANAYA: So Madam Chair, Colleen, I think it's important that we articulate to the public clearly when we're advertising that this is a potential. Because I don't think people recognize this. In fact when we've been talking about the code and moving across Santa Fe County, specifically in agriculture areas – La Cienega, La Bajada, Stanley, where there's a large amount of agricultural development, there's always the question about how the code might restrict particular individuals from being able to utilize their agricultural land for development purposes. And as we go forward and look at projects, we need to be explicitly clear. I don't think we are.

I actually think we should – this is a pretty complex project and I actually think we should have brought it for the Commission sooner and had more discussion for the public's benefit and for potential agriculture owners that might want to engage in this. It's a little premature. I support the concept. I'm going to support it but I think it needs to be presented in a way that people who have land that could be utilizing it for this purpose were given notice and opportunity. And I – it doesn't sound like that's what happened here. It sounds like the landowner saw a potential opportunity, went through all the logistics and then brought it back. I just don't want to put the County in a position where the County is looked at as being something special that they didn't allow for the opportunity for others in other parts of the county to do.

And I could think of various community members, long-standing community members that have been doing agriculture for generations that may jump on an opportunity to be able to – as we did maybe in the first purchase – even retain the property and sell that development use while still holding on to the property in title. I think it does set a large precedent and as we look at budgetary aspects and COLTPAC, the COLTPAC review resources as they come in or potentially come in, that this has to be something that's clear and concise and transparent to all to have the same opportunity.

MS. BAKER: Madam Chair, Commissioner Anaya, I appreciate your comments and I think we certainly should look into that. This particular project came through our application process such as it is right now. If we are ever in the position to have funding again and even a ballot measure that goes out to the voters for this particular use then we certainly would need to do all the work we could to make it available to anybody who wanted to apply for that program.

CHAIR STEFANICS: Thank you. We have a motion and a second, several seconds, for approval of this request.

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

MS. BAKER: Thank you, Madam Chair, thank you, Commissioners.

XI. C. 2. Request Approval of the Capital Improvement Plan and Project Funding to Include GRT Projects and Proposed General Obligation Bonds Projects

MR. LEIGLAND: Madam Chair, Commissioners, this is the list of projects that I presented earlier today and put on the agenda in anticipation – the reason I put it on here was because I wanted to have an orderly and expeditious execution. The list of projects that we're asking approval is the list I presented earlier today, so I put it on here again just so we could have an expeditious [inaudible] quick start and put it quickly after the capital improvement planning session.

CHAIR STEFANICS: Okay, so this morning at the study session, we – Commissioner Anaya identified that he has some projects that weren't on the list. How do you intend to accommodate that? If we approve this list – let me go back here. We're requesting approval of the capital improvement plan and project funding to include these projects. So, Mr. Ross, legally, what's happening here? Are we approving a list that might be changed?

MS. MILLER: Madam Chair, I might be able to help you with this. I don't think you could approve this based on the conversations this morning because Commissioner Anaya indicated he has some requests. If you approve that list we'll just be right back at it. The reason we put it on is that as a result of the study session this morning, if you were okay with the list or had made some recommended changes this morning we put it on for notice so you could take action on it tonight. But I think from this morning you had indicated there would be some potential changes.

CHAIR STEFANICS: So what we could do though, Mr. Ross, please advise me – we could approve the overall amount, the countywide projects and all district projects except District 3 to be finalized.

MR. ROSS: Madam Chair, I suppose you could do that. Yes.

CHAIR STEFANICS: Okay. So Commissioner Anaya, you had some questions or comments.

COMMISSIONER ANAYA: Yes, Madam Chair, I would ask that I be given the opportunity to convene with staff including the Manager. I don't know what implications my potential projects or potential changes could have on the overall project list, so I would ask that we defer on the approval until the next meeting.

CHAIR STEFANICS: So, Commissioner Anaya, we did discuss the projects several times, and I certainly want to respect your list, but we have discussed this several times. So if we do not vote on this today I will call for a vote at the next meeting.

COMMISSIONER VIGIL: Madam Chair, on that. Not taking action today, is that going to delay you, Adam, in any way? If we delay it for one more meeting. That's always my concern, it being such a long process.

MR. LEIGLAND: Madam Chair, Commissioner Vigil, I don't think it would delay us, because in a way this is separate from the other issue of approving the –

COMMISSIONER VIGIL: So the quick start is separate and we've taken action on it. This is just the overall. Okay. Just needed that answer. Thank you, Madam Chair.

CHAIR STEFANICS: Thank you. So Commissioner Anaya, you will be comfortable next time?

COMMISSIONER ANAYA: Well, Madam Chair, I think the comments relative to quick start is relevant because in the quick start budget District 3 didn't have the number and amount of projects as other districts had, so I actually think it's relevant to wait so I can have a discussion on the bond projects, which on the bond projects there's no guarantee, whatever bond projects are selected have to be voted on by the public. So quick start projects were voted and approved last time and I had concerns associated with those straight up and I think I shared those concerns, and now we're talking general obligation projects that I was just told this morning now can include chip seal which wasn't the case before in prior meetings.

So chip seal and other project priorities I do want to review. So. Thank you.

CHAIR STEFANICS: Thank you. We did indicate we would ask for public comment on the capital improvement projects. Is there anybody in the audience who came for this particular item? Okay. Thank you. It will be noticed again at the next meeting and it will include public comment as well, so that the public knows that we'd be happy to hear from them. So we just bypassed this item. We didn't table it formally. We just bypassed this item.

XII. Matters From the County Manager

A. Presentation and Discussion on a County Fire Protection Excise Tax
[Exhibit 1]

CHAIR STEFANICS: Chief Sperling, and I see we have several chiefs here today. I'd like to welcome all of our volunteers and all of those of you who took the time to come today to participate in this conversation. Now, if any of you are here for land use issues, which is item XVI. B. 1, 2 and 3, those will not be heard for quite a while. We are now on item XII, A, B, and C, we have an executive session, and then after that we will be coming back to land use. So I would suggest that we could not possibly start land use until 6:30 if you wanted to walk around or get a bite to eat. Yes.

MS. MILLER: Madam Chair, I just wanted to say that the executive session should not take more than 15 minutes but I know you would like a break as well.

CHAIR STEFANICS: And this could take a while here, because we have several people and I want to offer everybody the opportunity to say whatever they'd like to since they took the time to come today. So Chief Sperling.

CHIEF SPERLING: Thank you, Madam Chair, members of the Commission. Before I begin I would like to ask permission for Chief Moya to deliver to you a copy of the verbal presentation that I plan to deliver today, and then an opportunity to introduce the district chiefs and other staff members. So Chief Moya.

Madam Chair, Commissioners, I very much appreciate the opportunity to speak about our County fire protection excise tax, and I plan to give a 10- to 15-minute presentation briefly on the history of the tax and its benefit to the Santa Fe County Fire Department for your consideration. But the first order of business, I would like to introduce some of our district chiefs and other staff members who are here today, starting with district chief Jean

Moya, if she would please stand, representing the Galisteo district. She has 20 years of service with the Santa Fe County Fire Department and is also president of the District Chiefs Association. Linda Anaya, also 20 years of service, representing the Stanley district. J.D. Damron, Tesuque district, 15 years of service. Steve Tapke, Eldorado district, 8 years of service. Tom Chilton, Hondo Fire District, 10 years of service. Joseph Sandoval, La Puebla, 14 years of service. Nick Martinez from Pojoaque, 25 years of service. Kevin Bottles, from Turquoise Trail, 23 years of service. And Julian Sandoval from the Chimayo Fire District, 15 years of service.

Also here from our command staff, Assistant Chief Steve Moya, Captain Michael Jaffa, Captain Karl Ehl, Captain Buster Patty, and Battalion Chief Shane Todd.

Commissioners, the fire excise tax was first imposed in Santa Fe County in 1985 and utilized since that time to support the construction and improvement of fire stations, to purchase fire apparatus, ambulances, EMS and fire equipment, such as jaws of life, defibrillators and so forth, as well as personal protective gear for volunteer and career firefighters. It was last renewed in Santa Fe County in 2003 and sunset in 2008. As you know, an election was held in November of 2009 and it failed to gather a majority of voters.

Prior to the 2009 referendum the Fire Department completed a five-year strategic plan and a financial plan which were both approved by the Board of County Commissioners in 2009, as well as an impact fee capital improvement plan which was also approved in 2008. All three of these documents provided justification for the continuation of the fire excise tax and demonstrated that the Fire Department could not complete its apparatus replacement schedule from the 2004-2009 plan or complete the 2010-2014 schedule. Those documents identified approximately an \$8 million funding shortfall for the replacement of equipment and apparatus throughout the department. Equipment and apparatus such as fire apparatus, ambulances, money to fund repairs on equipment and apparatus, purchase essential gear for volunteers and career firefighters, purchase fire, EMS and rescue equipment such as the jaws of life, defibrillators, gurneys, etc., as well as to reduce the age of our vehicle fleet. We still have a number of vehicles in our fleet today in excess of 25 years. For instance, La Puebla engine 3, 27 years, and Tesuque engine 3, 27 years. As well as to do special projects like our communications system upgrade, radios, pagers, chipper for the wildland crew, firefighting tools, you name it. When we use it the fire excise tax was supportive of our purchase including technological improvements such as data collection and broadband.

The fire excise tax collected as much as \$1.954 million in 2008, although going back over a trend of ten years it collected approximately \$1.5 million per year. Under current conditions it's estimated the tax would generate \$1.24 million annually. Since expiration of the tax in 2008 the Santa Fe County Fire Department has lost more than \$4 million in capital outlay. This loss has been further compounded by our sharp decline in fire and rescue impact fee revenue, from \$451,000 in fiscal year 08 to only \$114,000 in fiscal year 12. Just a reminder that impact fees are tied to growth and not replacement of equipment.

In order to understand the fire and rescue impact fee I wanted to talk just briefly about some of our funding mechanisms. I'll try to make what is somewhat muddy a little bit clearer. I wanted to turn my attention to the state fire fund. The Fire Department as you know does not rely traditionally on general fund. We use the New Mexico state fire fund as our primary

source of funding for our volunteer and combination districts. It generated \$1.918 million in fiscal year 2012, and that money can be used for the purchase of capital items and to cover volunteer district operating expenses. As you know, those funds must be expended in the district to which they're assigned and funded.

What we have found is those funds are generally insufficient to cover larger capital items, especially in the smaller districts, and what we use the fire excise tax for was to cushion those shortfalls in the smaller districts.

Let me give you a couple of examples. La Puebla district receives \$148,000 from the state fire fund annually. Those monies are used to support district expenses, fuel, utilities, volunteer insurance, maintain and repair their fleet of vehicles, purchase protective gear for their firefighters, replace firefighting equipment such as hose, foam and EMS supplies. Barring unexpected expenses throughout the year, such as a broken engine, broken transmission, a pump that needs to be replaced, this leaves them with only a small surplus at the end of each fiscal year to replace equipment and apparatus, such as engine 3, tanker 4, brush 2, and rescue 7, all in need of replacement. The \$131,588 that they encumbered or expended this year left them with only \$16,000 to carry forward. You can see that trying to fund replacement of apparatus on that small amount of carry-forward every year takes a long time.

Glorieta Pass, another example, \$78,000 annually. They have a need for a substation and replacement of engine 2. They encumbered or expended \$65,000 this year leaving them with only \$12,745 carry-forward, not enough to fund any kind of significant apparatus replacement.

Madrid is another example. \$78,000 funded annually. It took them a number of years to replace their 1977 brush truck which we managed to do this year.

Other examples of replacement needs in districts include Pojoaque engine 3, engine 6, rescue 3; Turquoise Trail tanker 6, tanker 8; Edgewood, engine 3, tanker 3, brush 3. The list goes on.

We've been told by the State Fire Marshal's Office that banking funds across fiscal years is risky. The state legislature looks at those funds carefully and determines whether districts actually need the money. At the district level few other alternatives for funding exist for capital outlay. We have the fire and rescue impact fees which I mentioned briefly, bonds, grants, fees that are tied to new growth exclusively. Bonds are not available for apparatus or equipment replace and grants are not an assured funding source.

Turning to the career staff, equipment and apparatus replacement is not funded from the state fire fund. The ambulance replacement, EMS equipment such as defibrillators, communications equipment, prevention and staff vehicle replacement, fire prevention and public education program materials, wildland firefighting vehicles and equipment, personal protective gear such as pants, jackets, gloves, helmets, shields and so forth. There is currently no dedicated funding source to meet these costs. Emergency management is another example – no dedicated funding source to expand our emergency management program.

We squeeze out replacement costs from our operating fund, the same fund that supports our salaries and benefits, effectively reducing our ability to meet our current and

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future needs, and to continue to support our career firefighters and paramedics provide to our volunteer-based districts.

The fact of the matter is the fire excise tax is a source of funding for county fire departments authorized by the state legislature and is a source not available to other county departments. The use of the fire excise tax and its reauthorization can free up capital outlay funds for other essential county projects. Looking back through the literature from 2009, one of the questions that arose from opponents of the tax renewal was the County should live within its means. And I'm here to tell you that since 1985, for 24 years the County fire protection excise tax was the means for the Santa Fe County Fire Department. It's absence translates into a decrease of over \$1 million per year and it's an effective authorized means to fund capital and equipment expenses. It alleviates the burden on operating funds that cover salary and benefits.

And I should remind the public that the Santa Fe County Fire Department already uses volunteers extensively, and if that isn't living within our means as a department, providing service to the county I don't know what is. The fire excise tax is an essential means to support our volunteer workforce as well as our career workforce and a means to provide the kind of cost-effective and professional service that our County residents expect.

The logistics of authorizing renewal of the fire excise tax: the Commission may enact an ordinance imposing an excise tax. It's a tax that is imposed on any person engaging in business in unincorporated Santa Fe County only. It does not include the City of Santa Fe, the Town of Edgewood, or the portions of Espanola in Santa Fe County. It's equally to one quarter of one percent, or 25 cents on a \$100 purchase, and it's exclusively used for the purpose of financing the operational expenses, ambulance services or capital outlays of fire districts or ambulance services provided by the County, and that's language right out of the authorizing legislation. The ordinance would not go into effect until after an election is held. The proposal is perhaps to put this on this year's general election ballot. The law does require the County to adopt a resolution calling for an election within 75 days from the date the ordinance is adopted on the question of imposing the tax. Its passage requires a simple majority of qualified voters in the unincorporated areas.

It would then become effective January 1st or July 1st following the election. If it fails, as it did in 2009, the County must wait one more year to propose the tax. So my recommendation is authorize publication of title and general summary for the July 31st Board of County Commissioners meeting. And with that I'd be happy to stand for questions.

CHAIR STEFANICS: Thank you, Chief Sperling. First of all, I'd like to just read again all the different fire chiefs that have come. Then Commissioner Anaya asked to make a few comments before the chiefs talk and then I will ask for any comments the chiefs want to make about the overall or the individual situations. Now, I identified Galisteo, Stanley, Tesuque, Eldorado, Hondo, La Puebla, Pojoaque, Turquoise Trail, Chimayo. But are we missing some that weren't able to make it today?

CHIEF SPERLING: Madam Chair, I apologize. I forgot to include assistant chief David Hamilton, who is here representing Glorieta Pass. Jane McSweeney, who is the district chief from Glorieta Pass was ill today and unable to attend. Ray Mahalik, the district

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chief from Edgewood sent me a note yesterday telling me he was unable to attend but was supportive of the message I was going to deliver.

CHAIR STEFANICS: And is that it?

CHIEF SPERLING: Agua Fria and La Cienega are both missing in action. And Madrid. Hopefully not in action. We have a total of 14 districts.

CHAIR STEFANICS: Okay, so Agua Fria and Madrid. Madrid's not under Turquoise Trail?

CHIEF SPERLING: No, Madam Chair. They're an independent fire district.

CHAIR STEFANICS: It's not still Gavin, is it?

CHIEF SPERLING: No, Madam Chair. Carl Hansen is the district chief at Madrid. James Valencia out of La Cienega and Charlie Velarde out of Agua Fria.

CHAIR STEFANICS: Okay. Great. Commissioner Anaya.

COMMISSIONER ANAYA: Thank you, Madam Chair. Just a few brief comments. The Santa Fe County Fire Department is the best, most professional, best equipped paid staff and volunteer staff in the entire state of New Mexico. I'm going to approve going to the voters to pass a resolution, pass the ordinance to go for vote. But I would ask each of you in this room as chiefs of your respective volunteer districts and also our paid staff that beyond fire protection and public safety, which is crucial to Santa Fe County and the whole state of New Mexico, is our need to make sure we have safe and adequate passable roads. And I'm going to ask you, each of you as chiefs in your districts if you would also support through your volunteer organizations resolutions at the district level and a resolution at the chiefs association level supporting out bond projects that we're going to move forward on roads.

Many of our projects, especially the roads, but many of our projects sometimes don't receive the respect and dignity that the public safety officials receive and specifically our roads. And one of the things we have on this bond issuance and election is roads that you need as volunteers and paid staff to get to those emergencies that you go on every day. So I stand ready here, and I'm going to support this ordinance, but I ask you, through a resolution in your districts to support our road projects, our bond projects and also at the chiefs association level as well. But I respect each and every one of you. I respect your work, day in and day out. You're the best, most professional, best trained staff in the state. Thank you.

CHAIR STEFANICS: Thank you. Now, before we go to questions and comments I certainly want to hear from the chiefs and staff that came. So is there anybody who'd like to talk about their particular needs or how they think they could make this successful. I know you all realize that we had a little downfall a couple years ago and if we did this again we wouldn't want that to happen. I know that I and the rest of the Commission welcome you all and would love to hear from you. So is there anybody who has anything to share? Dave can't be the only person speaking.

JULIAN SANDOVAL: Good afternoon, Madam Chair, County Commissioners. I was looking at your mission statement up there – protection of property. That's us. We're in dire need of the quarter percent as Chief Sperling actually indicated. I am the fire chief in Chimayo. We are a small department but busy department. We don't see a lot

of impact fees up north. As Chief Sperling noted when it comes from development we don't have much development up there and when there is development we don't see much. So right now our district is actually fighting brush fires via tanker, or as we call it in the wildland, a tender, which is a big truck that carries 1,800 gallons of water.

So we're in dire need, our district is, in dire need of a brush truck. We need a bay to actually get that truck stored into. I see our neighboring community in La Puebla – in essence every district has a need and we urge you guys to actually help support us and maybe we could move forward with this. One of the things that we need to take into consideration also is the time and effort we put into this as volunteers. We have 15 members down in Chimayo. I think collectively, I'm not too sure what the number is, Chief Sperling, about 320 volunteers. Time and effort – it's incredible. It's like a fulltime job. I have a real job but on top of my real job I have a secondary real job and it's another thing I want to emphasize is we put a lot of time and effort. We're proud of what we do, the training that we have to take and the certifications that we endure are pretty stringent but that's the only way we can do it. It's public safety at its best when it comes down to Santa Fe County. I appreciate it.

CHAIR STEFANICS: Thank you very much. Is there anybody else?

JEAN MOYA: Madam Chair, Commissioners, I just want to say that I come from a real small district and we have a low call volume, but we do need more apparatus and we need to upgrade the ones that we do have. We do have a medical rescue that is 21 years old and I feel that there is 14 districts in this county and the citizens of this county deserve equal treatment. And so I feel over the last three years I have been saving some of my annual income from my department and trying to roll it over in order to get a bay built, which probably will cost me about \$250,000. After three years I have accumulated \$148,000. So I have a ways to go before I can acquire another apparatus. So I would appreciate your support and I'm not the only district having these issues. We all have our issues. We all want to provide the community with the best service that we can provide, and as Commissioner Anaya stated, roads are a big problem. I live in Galisteo. We do service a lot of the ranchers out there. The roads are extremely difficult to pass through in the winters. We do have four-wheel drive vehicles; we are fortunate to have that, but that doesn't always suffice. So I would appreciate your support on this excise tax.

COMMISSIONER ANAYA: Thank you. And it's Chief Moya, right? Thank you very much. Yes, sir.

TOM CHILTON: Tom Chilton with Hondo. When this was last considered by the public in 2008, there were very strong opinions in my district, pro and con, some of the firefighters telling me I do not support this, and others strongly in favor of it. My understanding is that the perception was that that money was to be spent on empire building. More people, more administrative layers, that kind of thing. It's my understanding that this is a capital improvement project and adding more staff or adding more administrative layers is not part of it. If that is in fact the case that needs to be communicated to the public. Whether people were misunderstanding it last time is sort of moot at this point. We need to make sure that what the money is earmarked for is very clearly identified to the public.

CHAIR STEFANICS: Thank you. Let me just say though, we're asking you what you can do to tell the public. Because one of the things – we are not allowed to go out

and lobby. Even if we approve this measure for the ballot, we have some restrictions about going out to the public and saying, vote for this. We can do educational materials but we are not allowed to lobby, so when you say, you're putting it on us, I'm putting it right back on you all. And I think that this is very important.

Now, the language, and Mr. Ross, correct me, says operational expenses, ambulance services and capital outlays of fire districts or ambulance. So it's not just capital that the fire tax is for.

MR. ROSS: That's right. But it's restricted to those items.

CHAIR STEFANICS: So it is operational expenses? It includes capital as well, but it's not just capital in terms of your remarks. So I just wanted to reiterate that.

CHIEF CHILTON: Then I think it needs to be made clear to the chiefs, not just in those broad terms but as specifically as it can be what those funds could be spent for and what they're not permitted to be spent for, and if we can paint a picture to the public that this is what we would do, this is how you as residents would benefit, then I think we stand a better chance than we did last time because there were certainly strong feelings that may not have been accurate.

CHAIR STEFANICS: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I really do appreciate your comments, Chief, and we really need to be explicit in what we're using it for and the primary purpose is for capital needs. So I think as a staff and you as chiefs, you evaluating what those uses are and what those specific uses are is very important, because I couldn't sit here and express support for a lot of money going into administration. I just couldn't do that right now. So I agree with exactly what you said and I think as staff we need to decide what recommendations are going to come forward for percentage of use so that we don't detract in any way from the primary meeting, which I didn't hear any of you and I didn't hear you really articulate it. Maybe, Chief, you can articulate some of the administrative use because nothing in the presentation touched on the operational piece, and I just want to make sure because the public doesn't want to see more administrative expense and higher administrative costs. I've heard that from people in the public and I've heard that from some of the volunteers and some of the leadership, frankly. So can you clarify and maybe help us so that we, when we go forward, that we're very clear on what the use is and we don't play fast and loose at all with the use of those monies beyond – I mean the primary use as capital. So why don't you help us clarify that.

CHIEF SPERLING: Madam Chair, Commissioner Anaya, you're correct. My intention is not to utilize these funds for salaries or benefits or for additional administrative staff. It's very much directed towards what I included in my presentation, and that's looking forward, securing a funding source to replace our apparatus and equipment and all of those things that we use, both volunteer and career as a department on a daily basis to provide EMS and fire service to Santa Fe County residents.

I hope that's as clear as I can be, but it's those specific items. Operationally, it can include tires and things of that nature to keep our equipment on the road and functioning safely and completely.

COMMISSIONER ANAYA: and I think if within the question we even articulate that, that we say it's capital and these operational categories, if you will, then there's no question, right? So maybe we just need to add some language. Because when you say operational and you say tires, well, tires is a maintenance item but it's a capital need to keep that equipment on the road. So I think in definition, we articulate it clearly what that means. We just don't want the public to see "operational" and then take on assumptions for themselves, which is sounds like that maybe occurred in the last election. So let's dispel the assumptions and delineate what that means or what those parameters of operational are, and I think we should be able to cover ourselves.

CHAIR STEFANICS: On this point, and then Commissioner Vigil also has a comment. But on this point, Ms. Miller or Mr. Ross, don't we have state statute that we have to use the language of. And number two, does capital start at a specific amount of money and operational is below? So for example, tires and defibrillators and whatever might be one be area versus another?

MS. MILLER: Madam Chair, Commissioners, yes. Statute actually says you can use it for operational capital outlay and ambulance expenses. What we did previously, what we considered operational expenses and only used this tax for were things like maintenance of that equipment. Where we, I think, the best place to restrict it would be in the ordinance that we have to have to go along with the resolution and the question, because if you get that specific in a question and you get down to saying tires but not certain engines – if you blow an engine and a large piece of equipment then you can't replace it if you didn't write engine in the question. So you could define those type of expenditures in the ordinance that would authorize taking the question.

CHAIR STEFANICS: And what about the difference in the level that's identified as capital?

MS. MILLER: Madam Chair, it's a little difficult with equipment. It depends on – we look at fixed assets and how long those are capitalized. It's kind of an accounting term versus a term in the statute. Capital can be a fixed asset that's capitalized over a certain amount of time. So there's a bunch of different ways to handle it from an accounting perspective versus what that definition would be in a question. You would say equipment or capital purchases. Like a part of a building – you could use it also for part of a building. That's what I say, you want to be careful how you word the question so that you don't restrict the question so much, or put in the ordinance it wouldn't be used for personnel or certain operating expenses that you think are inappropriate for it.

CHAIR STEFANICS: Commissioner Anaya, were you finished?

COMMISSIONER ANAYA: One more question relative to operational costs and some of the stuff you brought up. I know that keeping volunteers motivated, one of the things that was instituted by the County was providing a stipend for runs, for calls that they go on, and I know that we had – I think we had cut back some of that. How are we paying for that specific item for volunteers? And did we cut it back?

CHAIR STEFANICS: Ms. Jaramillo, do you want to answer that?

MS. JARAMILLO: Madam Chair, Commissioner Anaya, we pay for that out of the fire operating fund, which gets its money from ambulance fees, from the EC and EMS

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GRT, a variety of ways. To my knowledge it was not cut back. It's been \$225,000 for the last several years. If it was cut back it would have been very early in the program.

COMMISSIONER ANAYA: So just on this point, Madam Chair, this isn't an item that would fall under the tax but if we had a capital needs offset within the Fire Department then that would free up other potential revenue that we might expand that program in another part of the program not having to do with this particular tax. So I would just say that. Thank you, Madam Chair.

CHAIR STEFANICS: Thank you. Commissioner Vigil.

COMMISSIONER VIGIL: Thanks, Madam Chair. I totally support this. I can't think of a better purpose for our taxpayers wanting to be used, particularly at a time when we are in the throes of so much fire danger. I'm not sure that is going to ever really improve. The rains that came recently were so welcomed by so many people because of it pre-empting fire danger to some extent. There's such a high reliance in our community on the safety of the community and such a high reliance on the response that you provide for them. I think the greatest benefit this particular tax has is number one, it goes to the voters. They're the ones that are going to decide. We're just going to take action today on whether we should publish title and general summary, which would allow a further public hearing.

With regard to the previous tax, the problem we had with this tax, unfortunately, was that it sunsetted at one particular time. At that time the section that occurred was the issue with regard to the GRT fire tax and how that would impact the city and county residents and frankly from my perspective, it took on a political gamesmanship and I think that caused us to start looking at this tax and do some kind of a tradeoff. And I think we actually said to the voters if you do participate and help us with the GRT then in effect the excise tax would not be – we would allow it to sunset. I remember that quite distinctly. I think that was a really good position to take, because what we were saying to the voters is exactly what was referenced earlier. We were living within our means. And now our means have changed. And certainly the responsibilities have been far more voluminous. And I also think you have to have a Commission that is requesting more apparatus. We have more expectations from our fire department, more than I ever witnessed before. So you're getting a lot of attention and a lot of pressure for increasing services and responsive on this to more volumes of fire, and that doesn't even address what a lot of this tax originally did was building infrastructure and fire stations and updating apparatus.

I would bet that if you compared the apparatus that needed to be updated at that time that we're probably some years behind. And that, with the fact that one of the ways to really look at this is this is a tax that had been paid for quite some time, 1984 or 1985, and it really only affects county residents. So I think the county residents are entitled to make that decision. I fully support this and I'm going to make a motion to approve publication of title and general summary.

CHAIR STEFANICS: We still have public comment.

COMMISSIONER VIGIL: I thought you took all public comment.

CHAIR STEFANICS: No. There were questions that started getting directed to the Chief from Hondo and that's how we kind of got waylaid.

COMMISSIONER VIGIL: Is there going to be public comment?

CHAIR STEFANICS: Well, from the chiefs, yes. Is there anybody else that wanted to speak before we – yes, come right up.

COMMISSIONER VIGIL: Then I'll withdraw my motion.

CHAIR STEFANICS: Okay, and we have comments up here but motions are in order at any time, but we did have also the opportunity for any chief to speak today and we really appreciate your time coming.

J.D. DAMRON: Madam Chair, Commissioners, I'm J. D. Damron, the Tesuque chief. Our district would really appreciate your support putting this on the November ballot. We've got two pieces of apparatus that are aging. One of them's 27 years; the other one's about 24 years old. Are call volume response has increased every year over the past eight years and it's a bit toll on the volunteers. It's important that we have new equipment, the best equipment, to keep us safe and I would just appreciate your support in all this. This is a good time, with all the fires going on and I think if we educated the public about the need for new equipment, new trucks, keep it as simple as that, because everybody recognizes – if we show up for a fire in a 30-year old truck it's going to break down some time and thank goodness it hasn't up to this point. So that's it. Thank you.

CHAIR STEFANICS: Thank you. And I know that I confused the issue by allowing us to get involved. So let's take all the public comment first, before. We are kind of working out this process about public comment on ordinances. So come on up. We really want to hear from you.

NICK MARTINEZ: Madam Chair, Commissioners, my name is Nick Martinez. I'm the district chief for the Pojoaque fire district and I guess the Pojoaque fire district isn't the smallest district or the largest. We're probably a medium-sized district in Santa Fe County, but we are one of the busiest fire districts. We also house paid staff. Apparatus at our station gets utilized a lot. Our apparatus gets taken to different districts. It's a good thing, it's out there serving the community, the visitors of Santa Fe County. But at the same time the Pojoaque fire district – there's three pueblos in the Pojoaque fire district, the Pojoaque Pueblo, Nambe Pueblo and San Ildefonso Pueblo. And as you all know, any time there's development on those pueblos, there's no impact fees paid on those. It's only if there's development within the county, so to speak, areas, so that's one area where the Pojoaque fire district is kind of at a disadvantage in funds as well, on impact fees. So that's pretty much all I have. I just wanted to bring that up to you. Thank you.

CHAIR STEFANICS: Great. Thank you. Other comments? A different twist? A different issue?

Okay. So we're going to go back to comments from the Commission. Commissioner Vigil stepped out but she was ready to make a motion. I next had on my list Commissioner Holian, then Commissioner Mayfield.

COMMISSIONER HOLIAN: Thank you, Madam Chair. First of all, I just want to thank all of you and then all of the volunteers who are in your districts for all that you do for our county. I know that our fire department is officially is in fighting wildland/urban

fires one of the most technically competent in the entire country, and considering that we're ¾ volunteers I think that really says a lot that we have maintained that level of expertise.

It also means a lot to me that you came here to support this ordinance. When I was on the Commission early on and we were voting on a similar ordinance for the fire excise tax to appear on the ballot, as I recall there were no volunteer fire chiefs in the audience at the time. So I think it says a lot to me about that there is an increased level of support out in the community for this. And so I just want you to know that I really support it and I would make a motion if I could.

CHAIR STEFANICS: Okay, we are technically on the presentation and discussion, so if we could just hold off and take everybody's comments, and then we'll go to request authorization. So Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, thank you. Chief Sperling and all our volunteer chiefs and all the members that are out there today, thank you for being here. Chief Sperling and I have had conversations on this and one thing I would ask Chief Sperling – and maybe it's my fault too because I haven't gone to a volunteer chiefs meeting and I need to do that. I tried to go to volunteer district meetings. I think you made a good point of getting to all of them. I may need to get to one up in Chimayo.

But I want to make sure – and it's great to hear from the volunteer chiefs here today and hearing Chief Moya's comments, and I'm all about equity on the Commission and I do make sure we have equitable dollars going out to all of our fire districts and I our volunteer fire districts also. I respect and appreciate our career employees and what you do, Chief Sperling, but I also want to make sure that our volunteer districts are taken care of. I don't know if it's nine out of ten times and I can correct it, but they're the first responders. Maybe not in this metro area where we live but in the outlying areas. These volunteers are our first responders.

So I want to know, and I spoke with former Chief Holden about this that there was some ten-year plan and kind of the pecking order of that ten-year plan. And I'm going to support this, just so you all know that, but I also want to know is that ten-year plan still going to proceed if this excise tax passes? Or are we going to make sure that there's equitable distribution to all of our volunteer districts also. Because again, every one of us and every volunteer is going to have their own needs and they know their needs best. I just want to make sure that that communication is happening, but I am going to say this respecting this process. Volunteer chiefs and volunteer members are also my voters and they can talk to me and I hear from them, saying these are our needs, and they have that right and I respect, I guess the military structure of you talk, chain of comment, but I also hope you guys understand that these are the people that I represent. I want to make sure I'm taking care of their needs. And some of these volunteer meetings I just kind of sit in the back and if they don't kick me out. Nobody's kicked me out yet, but I listen to what some of their needs are. And I do hear some of the needs again from the volunteers as far as different apparatuses, some of the reimbursements that go to them. I think we're offering a \$10 reimbursement to our volunteers. I don't know. And I don't think that's enough.

Again, tell me any time I'm wrong with a statement. But do these folks keep their own bunker gear in their own cars and if there's a call for fire they've got to respond to that

fire? That's wear and tear on their own personal vehicles and everything else too. I don't know if we put this excise tax out but I would hope there would be some component to help reimburse our volunteers. Also, I hope there is a fair and equitable component of Chief Moya needs to get them that new building built or that new tanker in there. Chief Sandoval definitely needs a brush truck up north. I can attest to that because – and we all know this and I respect all my colleagues up here. But when they say, Danny, you know those roads are too small that we keep approving for a new structure, those roads are already up there. We're not going to make them any bigger. We need to make sure that we can get the fire apparatus into some of these northern roads, and I'm assuming throughout all of Santa Fe County, and maybe that is with a little old brush truck or relay truck. I don't know. I know I've asked and advocated for a ladder truck. That ladder truck isn't going to fit in some areas and I know that also.

So with that I guess what I'm asking, Chief Sperling, is for you to let me know today if there is a plan that hopefully this thing is successful and it passes and we do everything to put a good face forward. Commissioner, I won't lobby, but if I'm in a church or in a store, I might tell people, hey, you know this is not a bad thing for the community. I don't know if that's considered lobbying or not. But that being said, Chief, what's the plan to make sure that there is equitable distribution to all of our districts?

CHIEF SPERLING: Madam Chair, Commissioner Mayfield, as you mentioned we do have a five-year plan, 2010 through 2014, and during the construction of that plan we requested from each district a list of their capital needs, including replacement and those they feel are related to growth. Those were included in that document, unedited, and when we look at replacing equipment in any particular district we do go back generally and refer to that plan. That's not to say that we're totally inflexible, that needs arise, things change. We all recognize that. But it does add a level of equity to make sure that everybody is looking carefully at what their needs are and that it gets produced in a written document that is reviewed by everybody and then approved by the Commission.

That was the approach that Chief Holden took. I believe it was a wise one. Again, I'm not inflexible and I do recognize that things change. This year, for instance, when we were talking about capital outlay at the County level I requested input from each district chief on what they felt their new capital needs would entail, and that comes into the planning. I'm very supportive of equity. I recognize, having worked with for instance La Puebla in trying to get them enough funding to purchase a replacement engine how important a funding source like the fire protection excise tax is to support some of our smaller districts. They don't receive the revenue from the state fire fund or sufficient fire and rescue impact fees to take care of their needs. The fire protection excise has to come in and help them cushion those needs, help them support what they need to purchase.

It is also – I don't want to leave out our career staff because they're running these calls as well and they also need to have access to a funding source that can provide them with the same level that we provide our volunteers. So I look at it as across the board, entire department, as a very strong and down the road secure funding source for our capital needs.

COMMISSIONER MAYFIELD: Sure, and Chief, my past days on the PRC, we were really instrumental in trying to change the way the funding formula went as far as

the dollars that you pay on your insurance premiums that were being absorbed strictly into the general fund. We had that formula changed to where hopefully there's going to be a more equitable – the state kind of went belly up on the revenue projections or the revenue dollars. So I believe, and maybe Manager Miller if she recalls, changed that formula, rescinded or put a moratorium, so that not as many dollars could be available to the state funding mechanism. Has that moratorium lifted yet? Will it lift? And if not, are you guys at least lobbying and advocating that that get lifted?

Because again, I'm a homeowner and I'm an insurance premium payer and that's part of why I pay those premiums is to hopefully help offset some of these state fire costs for county areas.

CHIEF SPERLING: Madam Chair, Commissioner Mayfield, I had a discussion recently with the State Fire Marshal, John Stanford, and he indicated to me that the state was in the third year of a moratorium on increasing the grant fund that is associated with the New Mexico fire fund. He felt like this would be the last year in the moratorium, that the state was prepared to start adding some additional funding to their grant council pool of money that's available to all departments in the state.

That being said, it means an increased schedule has been pushed forward three years. So some time in the 2020s there will be increasingly more money available for all fire departments in the state to apply for grant funding and to access grant funding.

COMMISSIONER MAYFIELD: And Madam Chair, I hope that comes back again. I know that that moratorium was short-lived. I am looking at statewide revenue projections. I think they're on the incline right now with gas and oil. So hopefully I guess Senator Smith and different senators can look at that again, and I will definitely talk to them again on behalf of all the chiefs in the state of New Mexico of why I think it's important for all of us.

But also, that being said, and I've said this and I don't want to offend anybody with this statement. But if we push this out I don't want it always to be an indefinite tax out there on the voters, because a lot of this funding should be coming through to us on a state level, and we do go out. I still would like to see a sunset provision because times may be lean for us, times may be a little better for us. But I would just ask that we still consider that sunset. I know folks may say, no, Danny. Let's just put that tax out there indefinitely on everybody. I am not a huge proponent of putting a tax out there on everybody in perpetuity. I'd like to see that sunset. I don't know if there will be support for that, but I would like to see that. But I stand in full support of what you all are trying to accomplish and I will, without lobbying, I will do what I can do to be supportive of this.

But I also want to echo Commissioner Anaya's comments. We have some other pretty important bond questions that are going to go out there and we want to make sure there are safe roads for you all to get to these fires. Unfortunately, you have to fight them. So any comments you could be offering on that side I would appreciate that. Thank you, Madam Chair.

CHAIR STEFANICS: Thank you. The comments I'd like to make is that I'm in total support of this and I was last time as well, when we put it out for a vote earlier. The legislature provided us the opportunity once it sunsetted to enact it without a sunset to ensure

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the future for our volunteer fire departments, all of our volunteers, all of our equipment, and they gave us that opportunity. And I would not support putting any kind of sunset on this. What I would be concerned about when we start discussing moving the final ordinance is the timing of the vote, because we are planning some other bond issues and I do believe the public gets very confused. They're going to go bond issues? Taxes? You're asking us for a lot of money.

And a lot of people aren't going to get it that the bond issues are not going to raise their property taxes because we have that capacity to bond, but others are really going to just blend all the questions. And so when we get this to the ballot we really are going to need help. I've said this before and I'm saying it again. We're going to need help sharing with everybody we possibly can about the good ramifications of this and how they're two separate things – the bonds not hitting your direct pocketbook, the tax hitting your pocketbook.

We are still on the presentation and discussion. Is there anything else just on discussion? Because we have a separate item for the request.

COMMISSIONER ANAYA: Madam Chair.

CHAIR STEFANICS: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I appreciate Commissioner Mayfield's comments on the sunset and I guess what I would ask of the chiefs is we weren't successful last time, and is the sunset provision something that would help us be successful this time? Because we could try it, but that particular provision, I see heads shaking no, but we didn't pass last time. And I think voters ask, what's the specific use and for how long, so I'd like to get some feedback from the chiefs if we could, just on that provision.

CHAIR STEFANICS: Certainly.

COMMISSIONER VIGIL: Could you clarify just on those lines, did it ever go to the voters? Or did we just vote down that opportunity to take it to the voters?

CHAIR STEFANICS: No, it went to the voters.

COMMISSIONER VIGIL: What about the GRT then? The fire tax, not the excise tax, but the other ones, the joint city-county one. That one also went to the voters at the same time, right?

CHIEF SPERLING: Madam Chair, Commissioners, Commissioner Vigil, the communications and EMS tax I believe went in 2006, and then this renewal effort was done in 2009, so they weren't exactly at the same time.

COMMISSIONER VIGIL: Okay. When did it sunset again?

CHIEF SPERLING: It sunset it 2008, at the end of 2008.

COMMISSIONER VIGIL: So we would have had to take action on it before it sunsetted in order for it to be continued. So we let it lapse for a year?

CHIEF SPERLING: Commissioner Vigil, that's correct.

COMMISSIONER VIGIL: Okay.

CHIEF SPERLING: An action was taken to take it to a stand-alone election.

COMMISSIONER VIGIL: Okay. So that was separate from the general election that the other – okay.

CHIEF SPERLING: Correct.

COMMISSIONER VIGIL: Thank you. That clarifies it for me.

COMMISSIONER MAYFIELD: Madam Chair, on that point.

CHAIR STEFANICS: Yes. Now, remember, we had a question from the Commissioner to get comments from the Chief. So is it on that point?

COMMISSIONER MAYFIELD: It's on the sunset point.

CHAIR STEFANICS: Okay. Go ahead.

COMMISSIONER MAYFIELD: Madam Chair, Manager Miller, maybe I'm going to think this, and the reason I'm saying this is if there is a sunset provision on this, then does that mean that we can only go, and if they need to buy all this apparatus, we only have x-amount of bond capacity because it only goes out for five or ten years?

MS. MILLER: Madam Chair, Commissioner Mayfield, yes. That's one of the reasons that we did take off a lot of those sunsets because it did make a lot of problems for bonding –

COMMISSIONER MAYFIELD: Just for the duration of the time? Okay.

Thank you.

CHAIR STEFANICS: Okay, so Commissioner Anaya asked your opinion so why don't you go ahead.

CHIEF DAMRON: Madam Chair, Commissioners, I don't believe that the sunset would help pass the tax. I think a lot of the public doesn't even know what the sunset is, other than a sunset, and I just think – you know the last time this went in front of the public there was a lot of politics involved between the City and the County. And we didn't have the City's support at the time. So that in itself I think pretty much killed the voters voting in favor of the tax. So I think it's going to be different this time around. I don't think we're going to have any negative response from the City. I think we're looking better this time around.

CHAIR STEFANICS: Thank you. Anybody else want to comment on the pros or cons of a sunset date? Yes, Chief.

STEVE TAPKE: Madam Chair, County Commissioners, my name is Stephen Tapke. I'm the chief of the Eldorado fire district. I know I wouldn't support a sunset provision. Our needs are permanent. Unfortunately, we're in a growth business. In the eight years I've been with Eldorado our call volume has increased by over 40 percent and we anticipate that it will continue to grow in years to come. So this tax and the replacement of our apparatus on some sort of fixed schedule is going to be a permanent need. So I think the tax needs to be permanent as well. Thank you.

CHAIR STEFANICS: Thank you. Any other comments?

COMMISSIONER ANAYA: Madam Chair, I think it's going to come down to marketing, and my last comment would be we're still going to need your help as Commissioner Stefanics and Mayfield said on some of the other bond issues that affect what you do day in and day out so expect to receive some potential draft resolutions for you to consider as districts and as an association. Thank you.

CHAIR STEFANICS: Thank you. Ms. Miller, you had a comment?

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MS. MILLER: Madam Chair, I just wanted to clarify for the Commission and the district chiefs. The statute does not allow it to be used for salaries. I thought that was the case but we had to pull the statute and look, and it actually specifically prohibits it to be used for salaries – compensation.

COMMISSIONER MAYFIELD: So Madam Chair, Ms. Miller, on that point, reimbursement to our volunteers is considered salary?

MS. MILLER: I think it would be compensation, so that would not be allowed.

COMMISSIONER MAYFIELD: But we need to be able to offset the money somewhere else.

MS. MILLER: So other operational costs potentially, yes.

COMMISSIONER MAYFIELD: Madam Chair, a procedural question.

CHAIR STEFANICS: Yes.

COMMISSIONER MAYFIELD: This isn't an ordinance today in front of us. It has to come back one more time?

CHAIR STEFANICS: This is just the request to publish title and general summary. This is not the ordinance.

COMMISSIONER MAYFIELD: Okay.

CHAIR STEFANICS: And so we will come back with an ordinance – we're still on the presentation and discussion. We haven't gotten to that next item. So, Ms. Miller, will we bring the title and general summary back? We won't have time next time, will we? For notice?

MS. MILLER: Madam Chair, what we're asking for this time is to publish title and general summary and then, at the end of the month meeting, then we can bring you the actual draft ordinance at a public hearing. We need at least one public hearing.

CHAIR STEFANICS: We're required to have one, but we could have two.

MS. MILLER: Madam Chair, yes, you could. We would need to take action by the end of August, on the resolution and the ordinance in order to meet timing for the ballot and the election. We would definitely need to approve it in August.

CHAIR STEFANICS: Does that answer your question?

COMMISSIONER MAYFIELD: Yes. One more question, I guess, in line with my question earlier. Madam Chair, Chief Sperling, is it possible – I'm going to vote on this and vote yes, and thanks for helping me rethink my position on sunsets based on a five-year term. But that being said, can you kind of let me know what the CIP plan is again for the volunteer districts? And the reason is we've just gone through an exercise through this County Commission; you've been part of it. Let's look at all the projects and let us know, because I'm going to support all my chiefs here, I want to make sure they're all getting a little piece of that pie. And I think if we all saw that, at least if I saw that then I do know I'm just going to call it out. I'm going to see something going to Tesuque, I'm going to see something going to Chimayo, something in Pojoaque, something for our career, but also throughout the other 11 districts also. So is it possible for you to kind of tell us, look, this is where everybody will receive a little bit if this passes.

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And then again, hearing Commissioner Anaya's comments I believe, that might be a help to sell it to the voters, when the voters see, hey guys, this is what you will be receiving in your district.

CHIEF SPERLING: Madam Chair, Commissioner Mayfield, I'd be happy to provide you with something in writing to that effect. That was my intention of this moved forward today that we would start drilling down and getting those specifics available, not only for you but for our public, because I agree completely that we're going to need to be very transparent and very specific about what we intend to use this tax for.

COMMISSIONER MAYFIELD: Thank you. Thank you, Madam Chair.

CHAIR STEFANICS: Thank you. Now, ladies and gentlemen, thank you very much. We're going to move on to the request approval, but again, thank you from all five of us for taking the time to come today. Thank you, Chief Sperling.

XII. B. Request Authorization to Publish Title and General Summary of an Ordinance Imposing the Fire Protection Excise Tax

CHAIR STEFANICS: I am acknowledging Commissioner Vigil because she tried to do this earlier.

COMMISSIONER VIGIL: Madam Chair, I'd like to move that we approve the request for authorization to public title and general summary of an ordinance imposing the fire protection excise tax.

COMMISSIONER HOLIAN: Second.

CHAIR STEFANICS: There's a motion and a second. Any discussion on this authorization? It's without detail; we're going to expect the detail at the next meeting.

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

CHAIR STEFANICS: Thank you very much for the presentation today.

CHIEF SPERLING: Thank you, Madam Chair. Thank you, Commissioners.

CHAIR STEFANICS: You've got a lot of hard work ahead.

XII. C. Miscellaneous Updates

MS. MILLER: Madam Chair, the only thing that I have is what was requested earlier about the lodgers' tax contractors website, the website that we did for the lodgers' tax website, the seesantafe.org, we do have a link under our website to that, under hot topics. It is seesantafe.org. We also send them press releases and follow them on social media, and we do – our PIO does attend their meetings.

CHAIR STEFANICS: Great. Anything else?

MS. MILLER: No, that's it.

XIV. Matters of Public Concern – (Non-Action Items)

CHAIR STEFANICS: We are going to be moving into executive session, but first, is there anyone here from the public that wants to speak on non-action items? Not land use, non-action items. Anybody from the public that came for that? Okay. We'll ask one more time at the end.

XIII. Matters From the County Attorney

1. Executive Session

b. Limited Personnel Issues

CHAIR STEFANICS: Mr. Ross, do we need an executive session, and if so, for what purpose?

MR. ROSS: Madam Chair, we need a brief executive session to discuss limited personnel issues.

COMMISSIONER ANAYA: Madam Chair.

CHAIR STEFANICS: Yes, Commissioner.

COMMISSIONER ANAYA: Madam Chair, I move we go into executive session to discuss brief limited personnel issues.

COMMISSIONER HOLIAN: Second.

The motion to go into executive session pursuant to NMSA Section 10-15-1-H (2) to discuss the matters delineated above passed upon unanimous roll call vote with Commissioners Anaya, Holian, Vigil and Stefanics all voting in the affirmative. [Commissioner Mayfield was not present for this action.]

[The Commission met in closed session from 6:15 to 6:55.]

CHAIR STEFANICS: Could we have a motion please?

COMMISSIONER ANAYA: Madam Chair, I'd move that we go back in the regular session. Let the record reflect that the five Commissioners were present and the Assistant County Manager, the County Manager, the Attorney and the Deputy Attorney were present.

CHAIR STEFANICS: Is there a second?

COMMISSIONER HOLIAN: Second.

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

XIV. Matters of Public Concern – (Non-Action Items)

CHAIR STEFANICS: Is there anyone here from the public that came to speak about a non-action item? Is there anybody here to speak on a non-action item? This is the time. Okay. Thank you.

XV. Matters From the Commission

A. Commissioner Issues and Comments – (Non-Action Items)

CHAIR STEFANICS: Commissioner Vigil, are you ready?

COMMISSIONER VIGIL: Mine is very simple and straightforward.

Katherine, I just want an update, and I won't request this until you have the opportunity to – and you may even have some answers right now. We have created an Arts Commission and it's been inactive for some time. I think a lot of the pictures that you see around the room were the results of their sort of looking forward on promoting arts. I don't know what the status of it is. If you have an update I'm happy to hear about it now. And if not – I think probably the reason why we don't is first of all, we had difficulty at the time it was created. The economic downturn just went – and it was difficult to get staffing for it, and we had hoped that we would be able to do that, and we weren't able to allocate any funding whatsoever to them.

So I don't know. I don't want to see it fall by the wayside because I think there's a large benefit they could create even if it's for arts in the building. So I'm happy to get any kind of an update or wait until you can further investigate.

MS. MILLER: Madam Chair, Commissioner Vigil, I'll have to look into that. I don't have any current information, but I'll research that and get back with you and the rest of the Commission on that.

CHAIR STEFANICS: On this point, I was recently asked to appoint somebody from my district to, I think, this Arts Commission. We have two things. We have ACE, which Jack Kolkmeier used to do. The Arts, Culture and Entertainment Task Force. And then I was asked recently to get somebody from my district to work on a committee that had to do with artwork that was being funded by the One Percent for Art, but somehow the state was pulling the strings. I tried to get Duncan to update me and he said it was being held up. So in conjunction with Commissioner Vigil, I'd sure like to find out what we have going on. Thank you. Anything else, Commissioner Vigil?

COMMISSIONER VIGIL: That's it. Thank you.

CHAIR STEFANICS: Thank you. Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Madam Chair. I just wanted to give a short update on the last NCRTD meeting, which was I guess the first Friday of the month. We did not have a quorum for the meeting, and now this is two meetings out of four that we have not had a quorum, and I think that sort of shows the problem of having a lot of entities in a regional board like this. You need a fair number of people for a quorum and it's also easy to not have a quorum. So we are going to be discussing some possible solutions for that. One will be to require less members for a quorum; I'm not sure if that is even legally possible. And the other possible suggestion for how to solve it is to have less meetings, so maybe have quarterly meetings instead of a meeting every month.

I also wanted to report that the new Jim West Regional Transit Center is almost ready for occupation. In fact we'll have our next meeting at the transit center and I think one thing that's really exciting about it is it's now connected to REDI-net fiberoptics. So it's really

going to have stellar communications and we can probably even have video meetings and video conferencing and things like that.

The opening, in case anybody would like to go, like the Commissioners, is going to be on August 17th, which is a Friday, at 11:30.

The next meeting of the NCRD will be on August 3rd, however. Thank you, Madam Chair.

CHAIR STEFANICS: Thank you. Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, two things. One, I've been receiving some emails and I was going to bring them up. I'll most likely forward them to the Manager's Office. But what's going on with Canyon Ranch and cows and us sending people to branding inspectors, fixing fences. I don't know why I'm in this exchange of emails but I've been receiving them. I don't know if you're aware of them, Manager Miller, or what's going on out there.

MS. MILLER: Commissioner Mayfield, no, I haven't heard about this.

COMMISSIONER MAYFIELD: Well, I'll just forward you all the emails I've been hit with. I don't know why they're coming to me, but they're coming to me. Does Mr. Leigland or Mr. Hogan know?

MS. MILLER: I think maybe Adam's away.

COMMISSIONER MAYFIELD: And are we paying to rebuild a fence out there?

MR. LEIGLAND: Madam Chair, Commissioners, yes. We actually – I think actually the fence just was finished. It was finished on Friday or yesterday but this is part of the ongoing work that we're doing at La Bajada. We did a small project to do the fences because as it turns out it's our responsibility to keep the cows off. The fence should be done so I don't think you should be having anymore –

COMMISSIONER MAYFIELD: Well, let me ask a question. We're a fence-out state then. Because I have a County road, County Road 98, going into Chimayo, where folks have asked that we fence that road also as far as fencing out to your County road. So what are the rules and the law on a fence-out state? Do we need to start erecting fences everywhere when people start grazing their cattle? We need to make sure we are – There have been accidents on County Road 98 also, hitting cows.

MR. LEIGLAND: Madam Chair, Commissioner Mayfield, that's a good question. You've asked me that question before and we are looking into it because County Road 98 is not the only County road in that situation. I unfortunately don't have an answer for you right now but I'll get you one.

COMMISSIONER MAYFIELD: Okay. And I guess, kind of in line with that, I made a formal IPRA request from the Commission through Steve Ross' office, on the 30th of May and I have not received a response to that IPRA request. So that being said, I don't want to pursue this any further, I would just kind of would like the documents I requested to look at. So Steve, if you need to, I will forward that to you again or I'll even give you a paper copy of that. But if you could still try to – if you can't produce those documents for me just let me know. And if you can, that would be great.

MR. ROSS: Madam Chair, Commissioner Mayfield, we should have responded long ago so I'll check into it.

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COMMISSIONER MAYFIELD: Thank you. That's all I have, Madam Chair.

Thank you.

CHAIR STEFANICS: Thank you. Commissioner Anaya, and then we'll go back to Commissioner Vigil.

COMMISSIONER ANAYA: Madam Chair, I have an item and it kind of piggybacks on the item Commissioner Vigil brought up on the arts as well as your follow-up. One time in Santa Fe County in the last two decades Santa Fe County worked closely with different partners, and I don't remember all the different partners, but we did a poster. The County did a poster. And I would like to follow up on the comments that Commissioner Vigil made about arts in public places and county places. And I would like to, together with the Commission, figure out a way to engage in discussions with the group that does the Spanish Market and people who work with the museum and the Indian Market to figure out how we might work with the Chamber of Commerce, the Arts Commission and other various groups to maybe restart that program, not as a County project by itself but a collaborative effort.

I don't know what you were talking about relative to Arts in Public Places but I do think that given this community and Santa Fe County is the hub for creative art work in the region I would say even in the United States in many ways I would say that we as a County Commission could come together and work with some partners and maybe come up with a project. We did an adult contest, as I recall, but think we could maybe do an adult and youth type project and work with partners to come up with this and maybe put it on a fast track to try to achieve something before the end of the year. But it was a good thing and I think it provided for marketing. They may have even used lodgers' tax as I recall. We used some lodgers' tax money to get it done. Maybe it's a collaborative partnership but I like the concept and I think it fits well in line with what we are as a County and what happens in the community around us. It could be art and it could be incorporating music and the arts in general. So I would be excited about working on something with the full body Commission that tries to get it done.

CHAIR STEFANICS: Thank you. On that point, the ACE, the Arts, Culture and Entertainment Task Force or Committee, actually was comprised of several very enthusiastic volunteers who worked with Jack Kolkmeier. But they focused on two communities to start with. One was La Cienega, and there is a calendar that came out of it and after that the flea market, etc. And the other was I think, Madrid. I don't think it was Eldorado/285. I think it was the Madrid/Cerrillos area. But there were some really involved people and they were ready to move into other communities, so I definitely remember some of those great successes. Commissioner Vigil.

COMMISSIONER VIGIL: On that subject, I'm glad I brought it up because I think all we need to do is look at the resolution. Perhaps we might even need to update it because that resolution specifically identifies who was on the commission and what area they represent, and I do remember our preliminary appointments were folks that were very enthusiastic about promoting our arts and culture and current events. So I think if we can move in that direction it will better serve the community. The purpose of that resolution, it's just sort of fallen by the wayside.

But Madam Chair, members of the Commission, I'd like to take a point of personal privilege. I have some friends visiting in the audience from Tucson, and I'd like us to

welcome them. I'd like to introduce Edmund and Priscilla Marquez who are originally from Santa Fe. Please stand. And I'd like to introduce friends Frank and Becky Barrazas, please stand. Frank and Becky are here in Santa Fe visiting for quite some time. And Priscilla and Edmund and all four of them are here helping my sister out in giving her home a facelift. So I want to let them know that we appreciate that. We appreciate Tucsonians, Arizonians, coming here to help out Santa Feans and to let you know that you've just been on TV.

CHAIR STEFANICS: Welcome to Santa Fe. Thank you, Commissioner.

I'd like to mention two things. I had the opportunity on July 3rd to attend a picnic at the Sheriff's Office and to meet our new canine officers. The owner and handler of the dog and the dog itself. The dog has certification in three areas – drug detection, tracking of individuals, if they're missing or they're hurt or they're hiding, and apprehension. And the officer was this rather diminutive-sized woman, but she talked about all the training that this dog went through and that the dog will probably be in training for many more years because there's so many life skills. But this dog will only respond to German commands because the dog came from Germany.

She had bruises on her arm to prove that the dog was very trained in apprehension. So it's good to know we have a K-9 dog many years ago, but last year this Commission accepted a gift, and I cannot tell you who the gift was from, but we accepted a gift from an estate specifically for the K-9 officer and that is how this came to be. It was about a \$5,000 expense for the dog and the training and I think it's going to be a welcome addition to our Sheriff's Department.

The second thing is that on July 13th, this coming Friday, we have a fire graduation. Chief Sperling, I don't know how many cadets we have graduating. Ten. So I'd like to congratulate each and every one of them and to let the public know that we have a lot of enthusiasm for joining our forces. We also had some new cadets at the Sheriff's picnic joining the Sheriff's Department. So I'm really pleased that we have individuals that have chosen public safety coming to work for Santa Fe County. Thank you very much for all of that.

Okay, we are now moving on to public hearings. For members of the public, the first one, XVI. A, the ordinance on the fire has been withdrawn, and I'm assuming that that's due to the rain. Okay. On XVI. B I would like for everyone to know that B. 4 has been tabled by request of the applicant.

COMMISSIONER MAYFIELD: Can I ask a question? We're going to not do a fire ordinance anymore.

CHAIR STEFANICS: Chief Sperling, do you want to come up?

COMMISSIONER MAYFIELD: And I'm sorry but I think it's still important that we have it in place.

CHAIR STEFANICS: Chief Sperling, we do ordinances for [inaudible] for the emergencies? Is that correct?

CHIEF SPERLING: Madam Chair, Commissioner Mayfield, that's correct. Actually, we started with a 60-day ordinance, emergency ordinance, and then we followed up with a 30-day emergency ordinance, and at this particular point in time, given the fact that both BLM and State Forestry have allowed their bans to lapse, we're following suit, given the changes in weather conditions and our wildland conditions.

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COMMISSIONER MAYFIELD: So Madam Chair, Chief, I guess you're saying it, but you're comfortable that Santa Fe County is wet enough throughout the whole county that we can not ask to enact this again?

CHIEF SPERLING: Madam Chair, Commissioner, I am comfortable. I captioned this item about three weeks ago before weather conditions changed, and from all the indices I've looked at it appears that we're good right now and the future of the next couple of months looks positive. So I would still encourage people to be very cautious with fire since not all areas of the county have gotten the same amount of rainfall and we do still require that people who are interested in doing a burn get a permit from the Fire Department. It's free. You have to. Yes, it's required. It allows us to notify our dispatch center and those volunteer or career volunteers who might have to respond and keeps everybody safe in my opinion.

COMMISSIONER MAYFIELD: Thank you, Chief.

CHAIR STEFANICS: Yes, Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, on this point, I appreciate that the Commissioner asked the Chief to come forward. I think that the community at large was very responsive to the ordinance. We were in front based on recommendations from staff, we were in front of many, many other jurisdictions in adopting the ordinance and I appreciate those efforts and your efforts and recommendations and so I just want to applaud you and staff on those efforts and leading the way I think statewide. There may be one or two others at the same time but Santa Fe County was amongst the first to do it. But I appreciate the public and their understanding and cautiousness through the very dangerous times.

CHIEF SPERLING: Thank you, Commissioner. I'll pass that word along to staff.

CHAIR STEFANICS: Thank you very much.

XVI. Public Hearings

B. Growth Management Department

- 1. CDRC CASE # MP/PDP 12-5070 MCT Waste Master Plan/ Preliminary Development Plan. Sunset Solutions, LLC, Applicant, James Siebert, Agent, Request Master Plan Zoning and Preliminary Development Plan Approval for Expansion of a Non-Conforming Commercial Property. The Request Also Includes the Final Development Plan to Be Reviewed and Approved Administratively. The Property is Located at 5 Erica Road in the Traditional Historic Community of La Cienega, within Section 26, Township 16 North, Range 8 East (Commission District 3)**

JOSE LARRAÑAGA (Building & Development Services): Sunset Solutions, LLC, applicant, James Siebert, agent, request master plan zoning and preliminary development plan approval for expansion of a non-conforming commercial property. The request also includes the final development plan to be reviewed and approved administratively. the property is located at 5 Erica Road in the Traditional Historic

Community of La Cienega, within Section 26, Township 16 North, Range 8 East, Commission District 3.

On May 17, 2012 the County Development Review Committee met and acted on this case. The decision of the CDRC was to recommend approval of master plan zoning and preliminary development plan to allow the expansion of a non-conforming commercial property on a 2.14-acre site.

The applicant requests master plan zoning and preliminary development plan approval to allow the expansion of a non-conforming commercial property on a 2.14-acre site. The expansion will consist of increasing the existing 4,862 square foot building by 3,020 square feet for a total square footage of 7,882. The proposed height of the addition is 24 feet and the height of a portion of the existing structure will be increased from 16 feet to 24 feet. The expansion will increase the use to 60 percent of the site for the business. The applicant's request also includes that the final development plan be reviewed and approved administratively.

The applicant states that MCT provides waste collection services to construction sites and companies that generate substantial waste volumes. The expansion of the existing structure will accommodate the parking of the trucks within the building during the winter months. Client contact and billing is conducted from the Albuquerque office and the site is generally vacant during the day.

Historically Schwan's Food Company occupied this site. On July 15, 2011, the Land Use Administrator determined that MCT's proposed re-use of this non-conforming commercial site would be allowed provided the redevelopment or improvements to the site serve to bring the use into conformance with the purposes of the code. The Land Use Administrator also determined that any further expansion or extension increasing the intensity of the site shall be subject to a master plan and development plan submittal and meet all requirements set forth in Article III, Section 4 of the code.

This site is within an area which was recognized as a Major Commercial District prior to the adoption of Ordinance 2002-9, La Cienega Traditional Community Zoning District.

Article III, Section 4.4.1.a states: to zone or re-zone any parcel for a commercial or industrial non-residential district a master plan shall be submitted. Submittals and procedures for master plans are set forth in Article V, Section 5.2.

Article V, Section 5.2.1.b states: a master plan is comprehensive in establishing the scope of a project, yet is less detailed than a development plan. It provides a means for the County Development Review Committee and the Board to review projects and the subdivider to obtain concept approval for proposed development without the necessity of expending large sums of money for the submittals required for a preliminary and final plat approval.

Article V, Section 7.1.3.a states: 'a preliminary development plan may be only a phase or portion of the area covered by an approved master plan, so long as the preliminary development plan substantially conforms to the approved master plan.'

Building and Development Services staff has reviewed this project for compliance with pertinent code requirements and has found that the facts presented support this request: the application is comprehensive in establishing the scope of the project; the preliminary development plan substantially conforms to the proposed master plan; the application

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satisfies the submittal requirements set forth in the Land Development Code.

The review comments from State Agencies and County staff has established findings that this Application is in compliance with state requirements and Ordinance No. 2002-9, Article III, Section 4.4, Development and Design Standards, Article V, Section 5, Master Plan Procedures and Article 5, Section 7 Development Plan Requirements of the Land Development Code.

Staff recommendation: Conditional approval of master plan zoning to allow the expansion of a non-conforming structure and site, conditional approval of preliminary development plan and approval of final development plan to be reviewed and approved administratively. If the decision of the BCC is to recommend approval of the applicant's request, staff recommends imposition of the following conditions. Madam Chair, may I enter those conditions into the record?

CHAIR STEFANICS: Yes.

[The conditions are as follows:]

1. The Applicant shall comply with all review agency comments and conditions, Article V, Section 7.1.3.c.
2. Master Plan and Preliminary Development Plan, with appropriate signatures, shall be recorded with the County Clerk, as per Article V, Section 5.2.5.

MR. LARRAÑAGA: Madam Chair, I stand for any questions.

CHAIR STEFANICS: Thank you. Any questions before we go to the applicant? Yes, Commissioner.

COMMISSIONER MAYFIELD: Madam Chair, I have two quick questions. One, as far as access and traffic, this property takes access from Erica Road, a County road and also via I-25. [inaudible] paved road? Dirt road?

MR. LARRAÑAGA: Madam Chair, Commissioner Mayfield, that is a dirt road. Improvements will be made by the applicant on that road to the end of their property.

COMMISSIONER MAYFIELD: [inaudible] I know we've been dealing with issues at Caja del Rio just because of the weight of the trucks. Is there going to be substantial weight down this road? Isn't it also a residential road?

MR. LARRAÑAGA: Madam Chair, Commissioner Mayfield, yes, it is a residential road. The trucks, basically, are going to be traveling in that road empty, with containers, but empty containers. What the typically daily process would be, the drivers would drive up in their personal vehicles, jump in a truck with a container, take it to a job site, dump off a new container, pick up the full one, take it to the landfill and at the end of the day they would hopefully come in with an empty container. So the weight is going to be the truck and the container and that's heavier than the typical car or regular vehicle, so that's why the improvements on the road and hopefully we can come up with something in the development plan where the improvements would be – maintenance of the road would be also included.

COMMISSIONER MAYFIELD: By the applicant?

MR. LARRAÑAGA: Yes.

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COMMISSIONER MAYFIELD: So in summer drive months they're going to have the water buffalo tender on that?

MR. LARRAÑAGA: Madam Chair, Commissioner Mayfield, that hasn't been discussed but I'm sure we could – prior to this application the applicants had come to me to try to even pave that road and that could be a possibility also. Pave it up to the end of their property, for their use.

COMMISSIONER MAYFIELD: Madam Chair, Mr. Larrañaga, you may have already answered my second question but I'm going to ask it. So this site will not be a staging area for debris that will eventually move on to Albuquerque. These are going to be empty trucks on this lot and they don't have to do anything with fencing to mitigate any debris blowing all over?

MR. LARRAÑAGA: Madam Chair, Commissioner Mayfield, at times, as I mentioned in the report, in the winter months there might be a truck that comes in that's too late to go to the landfill. So that's why they need the building to put the truck in there also so it doesn't freeze so they can dump it in the morning. But for the most part they're going to have empty dumpsters, let's say, at the site.

COMMISSIONER MAYFIELD: And again, the landfill's in Bernalillo, right?

MR. LARRAÑAGA: I believe they will be dumping here in Santa Fe and pay for the cost. Mostly they're going to be doing their business in close proximity to Santa Fe and northern Santa Fe County.

COMMISSIONER MAYFIELD: Thank you, Madam Chair. Thank you, Mr. Larrañaga.

CHAIR STEFANICS: Commissioner Vigil.

COMMISSIONER VIGIL: Mr. Larrañaga, I'm trying to place this property in context. What is its current use right now?

MR. LARRAÑAGA: Madam Chair, Commissioner Vigil, currently it is being used by MCT. The Land Use Administrator when they first came in concurred a non-conforming use can be equal or less intense than the prior use and it was decided that this use was as intense as what was there before, which was the Schwan's Frozen Food, and they had big trucks going in and out of there, probably even a little bit more traffic during the day. So right now they are currently using it and the expansion is going to be expansion on the existing building and expansion on the use of the property a little bit.

COMMISSIONER VIGIL: And who is the owner? It just says Sunset.

MR. LARRAÑAGA: Madam Chair, Commissioner Vigil, Sunset Solutions they went and outright bought the property.

COMMISSIONER VIGIL: Right. Who owns Sunset Solutions?

MR. LARRAÑAGA: I have that in my file.

COMMISSIONER VIGIL: And probably more important than that question, Mr. Larrañaga, there's the property that we approved in that vicinity, and I can't remember the name of the gentleman. It was a non-conforming use. We approved it and the gentleman in that property did not comply with the approval that was awarded him and I think is still in non-compliance. And the description we had was some kind of an energy efficiency place of

business. Does that sound familiar to you? Is Penny here? Or Vicki, do you remember the gentleman, right there on the corner on the frontage road of La Cienega? I'm just wondering if this is one and the same is my question. The Chalet? Is that the name?

VICKI LUCERO (Building & Development Services): Could be Alfonse Viszolay.

COMMISSIONER VIGIL: Yes. Is that a different use and the property was in the vicinity? Or is this the same property?

MS. LUCERO: I believe it's a different property but it is in the vicinity.

COMMISSIONER VIGIL: Okay. And under those circumstances there was a lot of protests from the community. Have we received any protests on this, or because of its current use and expansion for the same purposes the protest just hasn't appeared?

MR. LARRAÑAGA: Madam Chair, Commissioner Vigil, no there has not been any objections to this, and actually Alphonse Viszolay's property is closer to Mutt Nelson. It's on the other side of 599 compared to this. This is within La Cienega's traditional. Alphonse Viszolay's property is right off of Mutt Nelson Road on the east side of the frontage road. This is the west side of the frontage road. Or 599 I should say.

CHAIR STEFANICS: We'll be going to public comment as well and see if anybody came.

COMMISSIONER VIGIL: Okay.

CHAIR STEFANICS: So let's go to the applicants and then we'll go to public comment and then we'll come back to the Commission so we can give fair hearing to everybody.

[Duly sworn, Jim Siebert testified as follows:]

JIM SIEBERT: My name is Jim Siebert. My address is 915 Mercer. I represent MCT in this request. Let me begin my showing you first of all where the site is. Commissioner Vigil, can you see this okay?

COMMISSIONER VIGIL: Yes.

MR. SIEBERT: This is the interchange of 599 and I-25. This is the frontage road. This is Los Pinos Road and this is the Wild West Realty. It used to be the tack and feed store, so it begins to orient where you're at. This particular building is where Schwan's operated actually since 1988. They were in business 22 years or something like that at that particular location. It's an interesting mix of both residential and commercial. Babcock Construction is right adjacent to it. This is a residential development. This is kind of a storage for truck facilities. This is a self-storage. This used to be a mobile home sales; it's currently vacant. And this area here is more of the kind of RV park oriented to the Santa Fe Downs, so it's been quite a mix of both commercial and residential for the last 20-some years.

What we're proposing, the yellow is the existing structure. What they'd like to be able to do is add on to the structure. They're asking also to increase the height, and the reason for that is they want power doors to be able to get the trucks inside the building. There was a question about how the waste is stored. Typically what they do is they leave in the morning, they take dumpsters out to construction sites, probably Santa Fe County construction sites. And then when they're filled they pick them up and they either take them directly to the Santa

Fe landfill or the Albuquerque landfill. In some instances, if it's late they will bring them back. And in the winter, what they like to do is they like to bring the trucks inside the building so the trash doesn't freeze over night and they can't get it out. So they heat the building when the trucks are inside.

We would add landscaping to the site. We have to have stormwater detention which is not currently on the site. There would also be a cistern to capture the water from the roof of the building. The current height of the building is about 16 feet and it would go kind of like here. And what they're proposing to do is raise it to 24 feet, and once again that's in order to get the bigger trucks in. This is the current height of the roll-up doors. We have to keep this just because of the spacing of the truss systems.

There was a concern regarding the paving or the condition of the road. I discussed this with the clients and they're willing to pave that road up to the end of their property. They would agree to that as a condition. I'll answer any questions you may have.

CHAIR STEFANICS: Okay. Have a seat. We might get back to you. Okay. We're now in the public hearing stage. Is there anyone in the audience who would like to speak in support of or against this project? Seeing no one, the public hearing is closed. Commissioners, questions, comments, motions? Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, this question is for staff. Madam Chair, Mr. Larrañaga, under Exhibit 3, and I believe the current code that we have. I'm on 6.10.2, prohibited commercial development. One of the prohibitions is a gasoline storage facility or transfer station. So this isn't considered a transfer station?

MR. LARRAÑAGA: Madam Chair, Commissioner Mayfield, no. We wouldn't consider this a transfer station. A transfer station is where people would go and actually dump trash and then we haul it off. This is just a truck – they have the dumpsters sitting there empty. There's really not any trash. They're not transferring any type of trash on that site.

COMMISSIONER MAYFIELD: They are. I just heard that.

CHAIR STEFANICS: But not onto the ground.

MR. LARRAÑAGA: They're driving up with it but they're not transferring it from dumpster to dumpster.

COMMISSIONER MAYFIELD: Okay. And then as far as the gas station or gasoline storage facility, is there going to be a site to refill their vehicles, or does it matter if this is a station site to refill their vehicles?

MR. LARRAÑAGA: Madam Chair, Commissioner Mayfield, that's not in the plans. I'm sure they're going to fill up at wherever they fill up. There's not any [inaudible] for having any kind of storage for any type of fuel.

COMMISSIONER MAYFIELD: Okay. Thank you, Madam Chair. Thank you.

CHAIR STEFANICS: Thank you, Commissioner. Other questions, comments?

COMMISSIONER ANAYA: Madam Chair, I had a few.

CHAIR STEFANICS: Yes, Commissioner Anaya.

COMMISSIONER ANAYA: I've got to find my notes I just made. I have a few questions. Hang on one sec.

CHAIR STEFANICS: Sure. Are there any other comments or questions? No, I think you're it.

COMMISSIONER ANAYA: Here it is. Madam Chair, and Jim, if you want to answer this. I'm looking at the notes. I'm looking at your letter, and then I was also looking at a letter from the La Cienega Valley Association. I think the paving issue that the La Cienega Valley Association brought up is covered in a condition. Is that correct, Jose? That you wrote earlier? The paving to the site? They raised a specific concern about pavement to the entrance.

MR. LARRAÑAGA: Madam Chair, Commissioner Anaya, yes. The La Cienega Valley Association, that's exactly what they asked for as a condition. We as staff couldn't ask that. What they're proposing right now meets Public Works requirement. Like Mr. Siebert said, the applicant is willing to pave it if that's the pleasure of the Board.

COMMISSIONER ANAYA: The condition doesn't pave it now.

MR. LARRAÑAGA: Public Works' requirement – in Exhibit 11, I believe, page NB-D 58 is Public Works' comments, and they're requiring basecourse improvement and that would meet Santa Fe County requirements per Public Works.

COMMISSIONER ANAYA: Madam Chair, did that comment get conveyed back to the La Cienega Association and can we chip seal that piece? Would the applicant be willing to chip seal that piece? Their specific concern was dust control which doesn't get dealt with associated with basecourse. So did you want to comment, Jim?

MR. SIEBERT: Madam Chair, Commissioner Anaya, my client is willing to pave it with asphalt. Chip seal tends to not last that long. We discussed this at the meeting in La Cienega and they're willing to pave the road.

COMMISSIONER ANAYA: Madam Chair, Mr. Siebert, you recommended that and said you'd do it and Public Works staff said no?

MR. SIEBERT: The Public Works staff just simply said that to comply with the County code, to bring it up to standard it had to have six inches of basecourse. My client is willing to go beyond that because of dust issues, and pave the roadway.

COMMISSIONER ANAYA: Well, I think that makes sense to me and I'd like to see that. What about – we had some discussion earlier, you weren't here, but we did have some discussion about the watershed conditions in La Cienega and connection to the County water service, which we're going to have more discussions on as time goes forward to better clarify and tighten up those requirements, but could you speak more to the willingness to connect to the system when it's – I guess adequate would be the right word. Right now it's a 200 psi line and that would have to be dealt with to be able to hook up. Is the applicant willing to hook up to the County system when and if the provisions are made to accommodate that?

MR. SIEBERT: Commissioner Anaya, yes. When it's available, they're willing to hook on to the County system. Right now it's the BDD line and as you pointed out it's a 200 psi line. It's not really practical to attempt to tie into that line. My understanding,

that the long-range goal for the Utilities Division is to bring a standard 8" line and that would probably have to come off 599.

COMMISSIONER ANAYA: So, Madam Chair, Mr. Siebert, you would accept that as a condition? It's not a condition right now.

MR. SIEBERT: Yes, my client would.

COMMISSIONER ANAYA: Okay. And then the minutes reflect comments from Member Gonzales on the CDRC who is from La Cienega. He specifically asks relative to the trucks being washed and the water, where it drains in and how to figure out how to accommodate that waste appropriately. That's something that you guys are going to be looking into and evaluating, dealing with your environmental permit.

MR. SIEBERT: As we – we still have to come back for final development plan. The idea is that we would address that at final development plan, and there was a discussion by staff that it would be drained into the septic system and we don't think that's the appropriate solution. We think it will be a catch basin where there will be sedimentation control and probably then we'll determine whether that water gets recycled or it then goes into the septic system.

COMMISSIONER ANAYA: Okay, so I appreciate that. Madam Chair, Mr. Siebert, in the CDRC minutes you also are reflected as saying that there could be some separation of metal and wood waste, but recycling at the site would be at some point in the future. The waste consists typically – the waste consists of sheetrock, studs and other construction debris. And then you go on to say they do not handle household waste. This is still the same now as it was stated by you at the CDRC meeting and would consist in going forward.

MR. SIEBERT: That's correct.

COMMISSIONER ANAYA: Madam Chair, I would move for approval, adding a condition to be in agreement with the recommendations of the owner and acceptance to pave and deal with the issues of concern that were brought forth by the La Cienega Valley Association for paving the road, and I would also add a connection to assure connection when the line is viable to the County system. And could you help, for the public's purpose, especially some of those people that weren't able to attend the meeting, provide some assurance as to the continued maintenance aspect? It seems there were several comments for debris and waste, that they've got to maintain and have that continued maintenance, before I finish my motion.

MR. SIEBERT: I don't know if you've been by it. It's a very clean operation. All the trash goes in the containers. The containers have a tarp that goes over the top of them. They're just an incredibly clean operation, both in Santa Fe and in Albuquerque.

COMMISSIONER ANAYA: Okay. Thank you, Madam Chair. Thank you, Mr. Siebert. So that's my motion, with two additional conditions, for connection into the system when the line is viable as well as pavement in place of basecourse.

CHAIR STEFANICS: There's a motion. Is there a second?

COMMISSIONER MAYFIELD: Madam Chair, I'll second but I still have a couple questions.

CHAIR STEFANICS: Okay. There's a motion and a second. Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, this is a question for staff. Just because I have two documents in front of me, one saying that Erica Road is a County road another document saying that Erica Road is a private road. So is it a County road or is it a private road? And I can refer you to an April 16, 2012 document to Jose from Andrew Jandacek, and it says Erica Road is a private road maintained by the landowners whose property accesses the roadway. But in the summary it said it was a County road.

The reason I'm asking this question is I appreciate the applicant's willingness to pave this road but if it's a County road the County is going to take responsibility for future maintenance, whereas again, a private road, maybe the applicant needs to have a provision for continued maintenance for that road also.

MR. LARRAÑAGA: Madam Chair, Commissioner Mayfield, I'm trying to find a memo from Public Works. Erica Road is a County road. That's the traffic planner.

COMMISSIONER MAYFIELD: Okay. So that's wrong.

MR. LARRAÑAGA: Yes, that's wrong.

COMMISSIONER MAYFIELD: So then is the County then going to potentially incur the responsibility if this road gets pitted because of the weight traffic we're going to go back there – I recognize this is in your district, but it's going to be on the regular road maintenance to fix this?

MR. LARRAÑAGA: Madam Chair, Commissioner Mayfield, it is a County road, so yes, we would have to maintain it.

COMMISSIONER ANAYA: Madam Chair, on this point, we provide the maintenance now, and pavement – and I would agree with Mr. Siebert and comments staff has made that pavement would be a more long-standing solution, which we would have to maintain even more so.

MR. LARRAÑAGA: Madam Chair, Commissioner Anaya and Commissioner Mayfield, also in paving this road they will have to meet County standards, so they would have to comply with anything Public Works – as far as the standards that they'd need for thickness of basecourse compaction and the asphalt. So in that, Public Works would put in a maintenance agreement. I don't know what that agreement would be with Public Works.

COMMISSIONER MAYFIELD: Madam Chair, [inaudible] are we going to only pave up to the driveway, or Commissioner Anaya, you asked that it be paved a little further? Or it's La Cienega asking it be maintained a little further than their driveway?

MR. LARRAÑAGA: Madam Chair, Commissioner Mayfield, I believe that the applicant is willing to go up to the end of their property, past their driveway. The length of their property which is past their entrance off of Erica Road.

COMMISSIONER ANAYA: And Madam Chair, for clarification, I think the – I have the La Cienega Valley recommendation right here and I think it's dealing with the road to the property. I'll look at it again so there's clarity.

MR. LARRAÑAGA: It's Exhibit 13 I believe.

COMMISSIONER ANAYA: If you could help me find the page.

MR. LARRAÑAGA: It's NB-D68.

COMMISSIONER ANAYA: 68? Okay. It says – did they say how far past or, Mr. Siebert, would you comment?

MR. SIEBERT: Madam Chair, Commissioner Anaya, it was my understanding was up to the end of their property. The entry is, I don't know, probably 100, 150 feet short of the property boundary.

COMMISSIONER ANAYA: So, Madam Chair, Mr. Siebert, are you okay with up to the property line?

MR. SIEBERT: Yes, we are.

COMMISSIONER ANAYA: So I would clarify my motion by saying to the property line.

COMMISSIONER MAYFIELD: The second stands, Madam Chair. Thank you for answering my questions.

CHAIR STEFANICS: Okay. So you're finished, Commissioner Mayfield? Okay we have a motion with amendments, or a motion that adds additional conditions. There's a second. Is there any further questions or comments?

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

- XVI. B. 2. CDRC CASE # MP/PDP/FDP 12-5210 Ravens Ridge Bed & Breakfast. Phyllis Johnson, Applicant, Requests Master Plan Zoning, Preliminary and Final Development Plan Approval for a Bed & Breakfast within an Existing Residence on 2.78 Acres. The Property is Located at 22 B Ravens Ridge Road, within Sections 17 & 18, Township 16 North Range 10 East, (Commission District 4)**

MR. LARRAÑAGA: Phyllis Johnson, applicant, requests master plan zoning, preliminary and final development plan approval for a bed & breakfast within an existing residence on 2.78 acres. The property is located at 22 b ravens ridge road, within Sections 17 & 18, Township 16 North Range 10 East, Commission District 4.

On June 21, 2012, the County Development Review Committee met and acted on this case. The decision of the CDRC was to recommend approval of master plan zoning, preliminary and final development plan approval to allow an existing residence to operate as a bed and breakfast.

The applicant requests master plan zoning, preliminary and final development plan approval to allow an existing residence to operate as a bed and breakfast. There will not be any structural changes to the 6,500 square foot residence. The request is to utilize three of the four bedrooms for the bed and breakfast. The applicant is not proposing any expansion for the use on the 2.78-acre site. The applicant states: this request is to offer overnight lodging and breakfast for visitors coming into the Santa Fe area. Three bedrooms would be used for this purpose.

Article III, Section 8, Other Development, states, all uses not otherwise regulated by the code are permitted anywhere in the county.

Article III, Section 4.4.1.a states, to zone or rezone any parcel for a commercial or industrial non-residential district a master plan shall be submitted. Submittals and procedures are set forth in Article V, Section 5.2.

Article V, Section 5.2.1.b states, a master plan is comprehensive in establishing the scope of a project yet is less detailed than a development plan. It provides a means for the County Development Review Committee and the Board to review projects and the subdivider to obtain concept approval for proposed development without the necessity of spending large sums of money for submittal required for preliminary and final plat approval.

Article V, Section 7.1.3.a states, a preliminary development plan may be only a phase or a portion of the area covered by an approved master plan so long as the preliminary development plan substantially conforms to the approved master plan.

Article V, Section 7.2.2 states, the final development plan shall be submitted to the County Development Review Committee accompanied by a staff report. The County Development Review Committee shall review the plat and make a determination as to the compliance with the County general plan and code. The County Development Review Committee may recommend changes or additions to the plan as conditions of its approval.

The final development plan as approved by the County Development Review Committee shall be filed with the County Clerk. The approved final development plan becomes the basis of development permits and acceptance of public dedications. Any changes in the plans must be approved by the County Development Review Committee.

Building and Development Services staff has reviewed this project for compliance with pertinent code requirements and has found that the facts presented support this request: the application is comprehensive in establishing the scope of the project; the preliminary development plan substantially conforms to the proposed master plan; the application satisfies the submittal requirements set forth in the Land Development Code.

The review comments from State Agencies and County staff has established findings that this application is in compliance with state requirements, Article III, § 4.4, Development and Design Standards, Article V, § 5, Master Plan Procedures and Article 5, § 7 Development Plan Requirements of the Land Development Code.

Staff recommendation is conditional approval of master plan zoning, preliminary and final development plan to allow a bed and breakfast within an existing residence on 2.78 acres. If the decision of the BCC is to approve the applicant's requests staff recommends approval with the following conditions. Madam Chair, may I enter the conditions into the record?

CHAIR STEFANICS: Yes, you may.

[The conditions are as follows:]

1. The Applicant shall comply with all review agency comments and conditions, Article V, § 7.1.3.c.
2. Master Plan, Preliminary and Final Development Plan, with appropriate signatures, shall be recorded with the County Clerk, as per Article V, § 5.2.5.

MR. LARRAÑAGA: Thank you, Madam Chair. I stand for any questions.

CHAIR STEFANICS: Thank you. Could we have the applicants come up and be sworn in and present? Do one of you want to speak or both?

[Duly sworn, Phyllis Johnson testified as follows:]

PHYLLIS JOHNSON: My name is Phyllis Johnson, at 22B Ravens Ridge Road, Santa Fe, New Mexico, 87505.

CHAIR STEFANICS: Great. So welcome.

MS. JOHNSON: Thank you, Madam Chair, Commissioners.

CHAIR STEFANICS: Do you have anything to add to the presentation?

MS. JOHNSON: Well, yes. I started this process as a rental for another bed and breakfast in town. They asked if I would rent my rooms to them for their use as an addition to their property, and then they wanted to add another room. And then they wanted to add a third room. So we went along very happily. They were taking a very large percentage of income in giving us this rent. Until we got too popular, and then what happened was they were sitting with rooms empty and people were calling asking for us. So they sort of gave us the boot.

And so we decided we had better get on our own and get our license. I went to Land Use and asked how we might do this the right way because we wanted to do everything right. I was told about the zoning requirements but at the same time information came in about home-based business and we approached that option. And I went to several of the SLDP meetings, and I went to all of them, actually, and then I was invited to be on a focus group for the SLDP, which I did serve on the focus group. Land Use told me at that point that I could be approved as a home-based business and to go ahead. So I made my application and I paid my money to go through that process.

Then in March of 2011, when this all started, I have been trying to get my license since then and going through all the processes. What I was told as I made my application was that I needed a Fire Department inspection and I waited for a while for the Fire Department to come out and then there was the news that they had lost my application. They were very busy and they had a lot of filers. So that took until March of this year, until March [inaudible] when I got my fire inspection. We passed the fire inspection and we've been fine and I took my approval letter to land use. And they told me that the man who had said I could be approved for a home-based business had retired and that he had made a mistake and that he really wasn't authorized to say that. So that I had to then reapply.

And so I had to start it all over again. And fortunately, everyone has been very helpful and very supportive in this process, which made it possible for me to keep putting one foot in front of the other. In the meantime we were operating. We could still operate, and normally you wouldn't know we were there. Our guests come in, they go to sleep, they get up, they have breakfast, they go shopping. In the evening they come back in and go to sleep again. It's just a very low impact business.

As far as it being a rural area, that is the case. However, right down the street where Dr. Stelzner's house is there was the animal tracks for many years and it still shows on some GPS systems, at the bottom of Ravens Ridge, adjacent to Old Santa Fe Trail was the animal tracks and up the street, what would be a couple of blocks – I don't know what the distance is – there's a cranio-sacral office. There's another office further up and I can't remember right now what it is. If you could give me a moment because my memory is failing me. Oh, the

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other thing is I was told not to pursue this. I was told at the very beginning to fly under the radar, that this was going to be a horrendous process and it has proven to be a real challenge and a growth period for me to do things that I thought I never could do, but I'm not sorry that I did it. Because I've gotten this far and I'll see what happens now.

Our adjacent neighbors, four out of five, have written support letters. Their property abuts my property. The one, Dr. Redman that I have heard from until I found this letter, I hadn't talked with him. He lives in Espanola. He hasn't been aware of the process or what's been happening on the property.

As far as Ravens Ridge, it's not a narrow road. It was paved a few years ago. The Fire Department has come up and given their approval of it being wide enough and cars don't have trouble passing each other as far as my experience on that road. And we have our food permit; we passed that process. We have been paying all our gross receipts taxes. We've been doing everything the best way we possibly could and if any of our neighbors have any problems with us we're very happy to address them and we want to live together peacefully and happily in our neighborhood and I don't want to cause any discomfort. But we love our business. We really are service people. We love what we do. We have had experience. I managed the Pecos Trail Inn [inaudible] and it's just a wonderful thing to have a wonderful business if you're service people.

And so I'm really hoping you'll approve our license. Thank you.

CHAIR STEFANICS: Okay. Why don't you just stay right up here in the front in case somebody has a question for you?

MS. JOHNSON: Okay.

CHAIR STEFANICS: Okay. We're now at the public hearing process. Is there anybody in the audience – you can have a seat – is there anybody in the audience that is here to speak in favor of or against this project? Would you please come forward and be sworn in.

[Duly sworn, Francesca Lobato testified as follows:]

FRANCESCA LOBATO: Francesca Lobato, 42 Ravens Ridge Road, Santa Fe, New Mexico. 87505.

CHAIR STEFANICS: Great.

MS. LOBATO: Thank you. I would first like to address a couple of issues brought up by Mrs. Johnson and that is that the adjoining neighbor to her, Dr. Stelzner and his wife are not in agreement with [inaudible] and of course Dr. Redman, another adjoining property owner is not in agreement and there is a letter from Dr. Redman in the materials stating his opposition and that due to increased traffic on the road adjacent to his property this will affect residential development on his adjacent land. The area is a quiet and residential area and I believe it should remain so. So he has written in opposition to the rezoning.

I have a written presentation. May I give it to the recorder? [Exhibit 2]

CHAIR STEFANICS: Give it to staff and they will pass it out. You can keep going. Thanks.

MS. LOBATO: I don't want to do it from memory. It's my understanding from the materials and from speaking to staff that part of the conditions if the bed and breakfast is approved that the septic permits be updated and that the Johnsons will have to put a water meter on the well and provide a water use agreement with the adjacent landowner who has development on his property and her property. That they be required to report to the

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State Engineer their use of water.

My presentation focuses on – I state that we are the neighbors living close to the property of the Johnsons. Ravens Ridge intersects with Old Santa Fe Trail right behind El Gancho. There's a lot of traffic on Old Santa Fe Trail going south and going north. At that intersection there is a blind corner as cars come north, there's a curve and there's a blind corner right there which is very dangerous to traffic turning off Ravens Ridge Road. And the people coming on the road are coming at 35 to 50 miles per hour.

On Ravens Ridge Road itself, immediately preceding the road to the Johnson's home, because it sits back from Raven's Ridge Road, going to back to where Ravens Ridge intersects with Old Santa Fe Trail, Ravens Ridge Road goes up over a hill and at that hill, at the top of that hill there is another blind corner, so that people coming down Ravens Ridge Road towards Old Santa Fe Trail cannot see traffic coming up the hill.

And again, traffic on Ravens Ridge Road is pretty fast and contrary to Mrs. Johnson's testimony, the road is so narrow that no cars can pass one another. There is only barely room sufficient for two vehicles to pass and in fact for the two vehicles to pass one of them has to stop completely to nearly a dead stop or a dead stop – I come to a dead stop – because two vehicles cannot pass on that road. In fact, when the road was being built and being paved by Advantage Asphalt it wasn't done to code and I forget the name of the gentlemen, I think it was Mr. Suttle, came to inspect the road, and he said the road was not paved according to code and it was too narrow.

So on the road from Old Santa Fe Trail to the Johnson's driveway, and in fact [inaudible] to the road that we're talking about right now, to Old Santa Fe Trail, on Ravens Ridge Road to where the Johnsons live, that is very narrow, there are two blind corners and a lot of traffic. So the neighbors are very concerned about the safety and the additional traffic that the bed and breakfast will cause and the safety issues that will cause. Then we have lots of big trucks, UPS, Fedex, come up those roads and they're very wide, come up Ravens Ridge Road and they very wide as are propane trucks. They are very wide, and there is really insufficient space for let's say a truck and a Fedex or UPS or propane truck to get by without everybody coming to a dead stop.

During the winter months when there is ice and snow the [inaudible] becomes even a more serious issue because not only is the road narrow, there's a hill on it and with ice and snow, two cars, as I said before can barely pass and on both sides of the road there are deep ravines. So if a car slips off this paved road the car will immediately go into a – I don't know – a two or three-foot ditch and will immediately turn on its side, the vehicle falling off the paved road will immediately fall on its side doing damage on the passenger's side or if it falls on the driver's side the driver could be damaged by the car falling and the person falling into the ditch and on to the side.

Dr. Stelzner, who lives in the first house at the corner of Old Santa Fe Trail and Ravens Ridge Road did not get notice because he lives in the first house. The posting from the Land Use Department was up the road so he never had a chance to see it. So he just learned of this application on Sunday and he has requested that this meeting be postponed so he and his wife can appear, because they oppose the bed and breakfast. And they were never given notice by mail and they never had an opportunity to see the sign because the sign is at the corner of the road that goes to the Johnsons and there are six neighbors prior to that sign

who never had an opportunity to see the sign because the sign is not where they drive to get to their homes.

CHAIR STEFANICS: Could you, like, a couple other minutes?

MS. LOBATO: Yes. On May 21 in 2010 I filed a lawsuit in the First Judicial District Court against Mr. and Mrs. Johnson because they were allowing a friend of theirs, Gregg and Tracy Robinson, to walk on their property and their property has an arroyo that goes through it. That arroyo continues – starts with Dr. Stelzner's property, goes through the Johnson's property through Dr. Redman's property, through my property, through Dr. Steffy's property and it continues on but we are the closest neighbors. The Robinsons were accessing the arroyo through the property of the Johnsons with their permission. I had to file a lawsuit because the Robinsons were getting verbally abusive with me and their dogs were aggressive with me and menacing and the Robinsons were threatening to me. I told them they could not be walking through this property, not walking through my property because all the properties were privately owned. The arroyo is not a public trail. It's not a public easement, and they had no rights to be there.

They told me they had permission of landowners to be there and they would not leave. So I had to file a lawsuit naming all the property owners around the arroyo and I met with Mr. and Mrs. Johnson and attached is an affidavit that they had given to me which does state that they gave the Robinsons permission, but when I advised them of the problems from the Robinsons that I was experiencing they spoke to the Robinsons and withdrew their consent. I also spoke to Dr. Redman at the time and he said he had never given permission to the Robinsons to access his property, although the Robinsons also misrepresented lies and stated to me that they had permission to walk through his property.

So this is an issue that is very troubling to all of us owners. Dr. Stelzner on the west side of the Johnsons, Dr. Redman on the east side and myself on the east side, Dr. Steffy on the east side – none of us want this arroyo to become a public trail or a public easement. And we are requesting that as a condition of permit that the Johnsons be limited as a condition to six people if it's granted, and the people that rent from them not be permitted to bring their dogs because dogs have to go to the bathroom. They will be inclined and enticed to go further into the Johnson's property down to the arroyo. They'll start walking down the arroyo and that would start to cause a public trail, a public easement which we directly do not want.

Vicki Lucero of the Land Use Department has stated to me that this is not public at this point. That a private easement is a private trail. We do not want the use changed by the Johnson's commercial use. So we're asking that they be limited to that, that they not allow their guests, as a condition, not allow their guests to go into the arroyo, and that they not be permitted to bring their dogs.

CHAIR STEFANICS: I think that you put that in your statement. Now, is there anything that's not in the statement that you want to stay before we go on to the next person.

MS. LOBATO: Let me take just a moment, just a second here to look through the – so it's, as I said, I have had to file a lawsuit against them. I'd certainly be happy to file more lawsuits and call the Sheriff if I have to, if their guests are walking through the arroyo and their dogs – they permit their guests to bring dogs. I will simply call the Sheriff. I will simply file more lawsuits unless this is a condition of the zoning approval.

CHAIR STEFANICS: Thank you for coming this evening.

MS. LOBATO: Thank you. And the other thing is I don't believe that it would be allowed, looking at this, this mural behind you. It says protection of property, religion and language. I believe that the Commission has a duty to protect neighbors, property owners from the impact of the Johnsons' request for zoning change and certainly what I have requested, what we have requested, limitations of six as a condition, no dogs and no walking in the arroyo by their guests are reasonable and protects the property of the neighbors. Thank you.

CHAIR STEFANICS: Thank you for your suggestions and thank you for the information that you've provided. Is there anybody else in the audience – this is a public hearing. Okay, so the public hearing is now closed. Commissioners, we're at point of discussion, comments and questions to the staff or the applicant or anybody else who testified.

COMMISSIONER HOLIAN: I have a question.

CHAIR STEFANICS: Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Madam Chair. This is a question for Mr. and Mrs. Johnson. It has to do with your wastewater system. I'm wondering what the status is of that right now.

MS. JOHNSON: We have received a permit to extend our leach field. That was the condition, that the leachfield needed to be extended by 450 square feet, I believe, and we had a septic man come and plot where that would be and we have received that permit. So we're ready to go with that.

COMMISSIONER HOLIAN: That's great. Just out of curiosity, have you considered putting in a water treatment system? One of those systems that treats all the water from your house and you can actually reuse it and so on and so forth.

MS. JOHNSON: No, but we have a 5,000-gallon water catchment tank that we use for watering our property and in case of emergency. And then we have a 275-gallon catchment tank that comes into that 5,000-gallon tank, so it's constantly being replenished.

COMMISSIONER HOLIAN: And that's pretty much all you need for your landscaping?

MS. JOHNSON: Oh, more than what we need. Way more than what we need.

COMMISSIONER HOLIAN: Okay. Thank you.

MS. JOHNSON: Each time we get a little bit of rain the 275-gallon tank fills up and then we just pump it into that.

COMMISSIONER HOLIAN: And I just wanted to thank both of you; all the information that you included in the packet was very helpful.

MS. JOHNSON: I also wanted to state, if I may, Madam Chair and Commissioners, that we don't allow pets.

COMMISSIONER HOLIAN: Okay. Thank you.

CHAIR STEFANICS: Thank you very much. Anything else, Commissioner Holian?

COMMISSIONER HOLIAN: No.

CHAIR STEFANICS: I have a question for Mr. Larrañaga. If this approval goes through is there a number to the number of rentals for individuals in the dwelling?

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MR. LARRAÑAGA: Madam Chair, the applicant is stating three bedrooms. We haven't limited the number of individuals staying there, but it would be just for a three-bedroom B&B.

CHAIR STEFANICS: Okay, so let me ask the applicant, what was your intention with the three bedrooms and the number of people?

MS. JOHNSON: Basically, the three bedrooms are never fully occupied. That would be an impossibility. But there's a bed in each bedroom and then one of the rooms has a pull-out couch. So a family could stay in there so we could have 2, 4, 6, 7, 8 people, maybe 9 if they wanted a cot, if there was an extra child. But it's a family usually that stays in the casita.

CHAIR STEFANICS: Okay. Thank you very much. Other questions, comments, from the Commission? Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I have a question for our Fire Department.

CHAIR STEFANICS: Ms. Lobato, you already spoke so if somebody asks you a question you can answer but unless you're recognized but we have a question now for the Fire Chief. I'm sorry, if somebody has a question for you they'll ask you but right now we have the fire chief up, one of the fire chiefs.

CAPTAIN PATTY: Madam Chair, Commissioner Anaya, what was the question?

COMMISSIONER ANAYA: Madam Chair, Mr. Patty, I had a question relative to the requirements set forth – I think it was the February 28th response, page 60, I think it is, that talks about your review, that will comply with Article IX and access to water supply. What – keeping in mind the conversation we had just last month about a single family, I think it was up in District 1 that had some requirements for sprinklers that they were doing, and I had some concerns about that but ultimately it was approved with those conditions because of access and number of people. Are there any, in that Article IX from the Fire Department, are there any such conditions associated with this application and if so can you tell me what they are?

CAPTAIN PATTY: Madam Chair, Commissioner Anaya, yes there is. In seeking conditions for a commercial operation like this it would normally require a residential sprinkler system. The exception on that it would be is if you have an exit door on every room to the outside, which they do. When you can evacuate people out of the room immediately without them having to go in the rest of the house, that does eliminate the use for a residential sprinkler system.

COMMISSIONER ANAYA: So I actually met with the Johnsons, I think it was in Galisteo when you guys were at the community Sustainable Land Use Plan discussion and I think actually Commissioner Mayfield was there at the same discussion, and I'm supportive of trying to figure out ways to support small low-impact type uses that this is. But I'm a little puzzled by the fire exception for a bed and breakfast that could potentially have up to nine people in it – eight people I guess at one time – that is okay, but yet a family in a single-wide or a double-wide trailer that we have, double-wide mobile home to be appropriate was required to go through the investment of a sprinkler system. I guess that puzzles me.

So I guess going to your comment that if there's exit doors, I would venture to say that if you approached those individuals they might have put doors, potentially if they could, in a residential unit as an alternative, to assist them. So I guess – let's make sure that I understand correctly. Last month there was not the will of the Commission of a majority to approve a mobile home on a new permit with the appropriate fire access or fire conditions, and we passed it with conditions that they have to go ahead and put the fire suppression system in on a double-wide mobile home. Today we're here and you're saying that in a small-scale but commercial operation they wouldn't have to? Or did I misunderstand you?

CAPTAIN PATTY: No, you're absolutely right, Commissioner Anaya. The code requires certain accesses or sprinkler systems. If you do have a mobile home or another home, if they chose to put a door to the outside of every bedroom, that would eliminate sprinkler systems. We do make that offer to people; people don't want to put a door in every bedroom on a mobile home or are not able to. Sometimes there are interior bedrooms in the house. In this case they do have an extra door from every bedroom to the exterior. The code says when you can do that on a ground level that eliminates the requirement for the sprinkler system. Homes that don't have those doors do require it, when there's not adequate water supply. Not in every one. If there's not an adequate water supply, which in this case, Ravens Ridge, there isn't. There is adequate access though.

COMMISSIONER ANAYA: Is that through a fire hydrant, Madam Chair, Mr. Patty? Is there a fire hydrant real close by their house?

CAPTAIN PATTY: No, there is not. That's why I say there is not adequate supply there.

COMMISSIONER ANAYA: I'm sorry.

CHAIR STEFANICS: On that point, what is adequate fire supply, like number of gallons?

CAPTAIN PATTY: It's 500 gallons per minute for a pressured hydrant, or we can meet the minimum for rural firefighting, which this is, at 250 gallons a minute for two hours, which we can do with the Fire Department with a tanker shuttle, with the adequate access.

CHAIR STEFANICS: Thank you. Sorry. You still have the floor.

COMMISSIONER ANAYA: So, Madam Chair, Mr. Patty, within the fire code is there any accommodation for proximity to an exit? If there was two bedrooms directly adjacent to one another with the access point and an exit to the outside that was within five feet, is there any accommodation for that provision in the code at all?

CAPTAIN PATTY: Madam Chair, Commissioner Anaya, the code specifically says it has to be an exit door to the outside from that room. You can't go into a hallway and then to the outside, or share a common room. You can't exit people from one room into another room and then to the outside.

COMMISSIONER ANAYA: Or into a hallway?

CAPTAIN PATTY: No, not into a hallway. It has to go to the outside.

COMMISSIONER ANAYA: So, Madam Chair, Mr. Patty, what about provisions in the construction code and building standards that deal with egress points out of a window that are of the appropriate size. Because there's very specific code for egress out windows for exactly the purpose for getting somebody out of a fire or in a situation of a fire.

Does the window size or the window type play into the code in any way associated with the fire code?

CAPTAIN PATTY: Madam Chair, Commissioner Anaya, for residential homes and residential occupancy you do have windows to the outside. They do have to meet a minimum size and they do have to have a minimum height to where the window sill is to the ground level on the outside. For residential. Now, for commercial, it does require the door, not just a window.

COMMISSIONER ANAYA: So, Madam Chair, and I don't remember their name, but in every even mobile home, the way they're manufactured now there's a code that accommodates for egress out the window, but based on that sizing, and I think it's three feet size, rough in size, which would accommodate a door entry, it wouldn't take a whole lot more to remove the window and put a door in place of a window in any structure of an existing structure. So we do communicate to residential individuals who are coming in for permitting that if they were willing to do that – do we express that? Because what I'm trying to do is – I appreciate what you're doing here relative to this project and I appreciate the interest of the applicants in trying to start up a small business. I support that. But at the same time we're going through this process I'm learning things I didn't know and I just want to make sure that in other approvals that are residential that we're making sure we're affording those applicants the latitude and flexibility to do alternative things.

So we do something that expressly says if you do this, then you wouldn't have to do a sprinkler system in a residential structure, if you put doors?

CAPTAIN PATTY: Madam Chair, Commissioner Anaya, there are various different ways that we can do this in different applications. We do talk to people and work with them in several ways. Doors and windows is one option. Residential sprinklers is another option. It's going to depend on the access to these different places, whether there's low-water crossings to it. If there's grade problems going to it, and the 902 part of the code gives the Chief of the department some options. They can make some calls on what they're going to do.

Sometimes it's better that the residential sprinkler system is the option to take, mainly because of the insurability of a home. They don't look at the doors and the windows as a plus on the insurability, depending on how far from the fire station they are, what the water source is, what the water supply and how far – and whether it's a paid or a volunteer station.

COMMISSIONER ANAYA: So in this case, this home is residential, going to be converted to semi-residential/commercial with this change, and it does have water concerns but those are addressed because of appropriate ingress and egress through doorways?

CAPTAIN PATTY: That, along with it's within five miles of a fire station and there is a hydrant that is down below. It is not within 1,000 feet of the hydrant, but we can do an adequate tanker shuttle to that piece of property, and then there is adequate access there.

COMMISSIONER ANAYA: Thank you very much. I learned some new things, which happens all the time. So I appreciate it.

CHAIR STEFANICS: Thank you, Commissioner. Commissioner Mayfield, did you have something?

COMMISSIONER MAYFIELD: Just a couple of questions, Madam Chair.

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Thank you. Madam Chair, these questions are more for staff. One, and because the applicant kind of brought this up, and I also want to disclose that I did meet the applicants at a community meeting, I think talking about the code out in Galisteo, many months back. And that kind of dovetails into my question. I know I've asked this. I tried to put a resolution forth. It's coordination within our department, so if an applicant is going to be denied, if an applicant is going to be approved, if it's going to make it's way, arguably to us or to the CDRC, but these guys applied back in 2011 for this? And we just got review from the Fire Department now in 2012? Can you help me out with that, Penny, please?

MS. ELLIS-GREEN: Madam Chair, Commissioner Mayfield, they applied for this permit on May 11, 2012, for the master plan/development plan. Previously, the applicant stated she had been advised to submit for a home occupation and that was discussed through the code CDP process, something that in the future may be submitted or may be included in the code. There is no ordinance that allows anyone for a bed and breakfast to submit for a home occupation.

COMMISSIONER MAYFIELD: So let me ask that question. One, I did think we did have some discussion on this bench as far as bed and breakfasts being able to be applicable under the home occupation. I guess we haven't got there. I thought we were going to try to enact that provision of home occupation from this bench. Did we not?

MS. ELLIS-GREEN: Madam Chair, Commissioner Mayfield, we did take down direction from the Board but there has been no actual vote and no actual ordinance that allows us to process an application that way. So in my years that I've been here every bed and breakfast has gone through master plan, development plan, just as the Johnsons are now doing.

COMMISSIONER MAYFIELD: That's fine. Just help me here though. Did we give you all direction or are we going to look for the new code that's coming out to afford bed and breakfast under a home occupation license or no?

MS. ELLIS-GREEN: Madam Chair, Commissioner Mayfield, yes, that will –

COMMISSIONER MAYFIELD: Okay. Good answer. Thank you. The second point, when they initially applied, back in 2011, granted they had to go through the whole permitting plan and everything else, at one point were they denied, and that's why they just were denied so it never made it to this Commission? They never appealed their denial? They just kind of gave up on that process?

MS. ELLIS-GREEN: Madam Chair, Commissioner Mayfield, they had submitted for a home occupation. They came for an approval for that home occupation and I stated that that is not the way that we can approve these applications. So I met with the applicant, discussed with the applicant the fact that they would need to submit a master plan/development plan. So really that home occupation permit was never approved.

COMMISSIONER MAYFIELD: And that was back in 2011.

MS. ELLIS-GREEN: That was in March of this year.

COMMISSIONER MAYFIELD: No. But I'm trying to ask when they initially submitted back in 2011. At least that's what I thought I heard from the applicant.

MS. ELLIS-GREEN: They may have a little bit more information than I do since I wasn't in Land Use at that point but I understand that they made a submittal in 2011, but they didn't come forward for an approval from the Land Use Administrator until 2012.

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And I believe due to the length of time under Fire Department review. Again, there wasn't follow-up to state there's a 15- or 30-day period has ended. What is the approval or denial?

COMMISSIONER MAYFIELD: Right. And briefly, talking with the applicant, if I recall my conversation in Galisteo, is because, arguably they said, look, we have to go through the same full-blown process as a Walmart trying get approved in Santa Fe County. But we are addressing that, arguably not tonight, but in the future, in the new code. Right?

MS. ELLIS-GREEN: Madam Chair, Commissioner Mayfield, we will be looking at allowing businesses to go through a home occupation like this. For example, Walmart would have had to have submitted a terrain management plan, a traffic impact plan, the hydro, connect to a water supply – a whole bunch of things like that, whereas this application didn't need to do that due to the scale. So the larger the application is the more submittal you would actually have to make.

COMMISSIONER MAYFIELD: So, regarding Ms. Lobato's questions, they don't have to do a traffic analysis if they're going to have three or four more cars at this bed and breakfast.

MS. ELLIS-GREEN: Madam Chair, Commissioner Mayfield, no. I spoke to the Public Works Department. They ran a traffic count, I guess, which looks at the number of vehicles in peak hours, and it came up as one additional. So with that, it really doesn't kick them into needing a traffic impact analysis. Public Works has recommended approval of this, so no, they wouldn't be required to do that.

COMMISSIONER MAYFIELD: Okay. Thank you. And then just touching with what Captain Patty and what Commissioner Anaya just stated, this is a commercial development. Correct?

CAPTAIN PATTY: Madam Chair, Commissioner Mayfield, yes, it is. In the fire code it would be looked at as 13-R. It's a combination residential-commercial.

COMMISSIONER MAYFIELD: And again, I don't want to go off too far and I'm going to be very brief. But again with the sprinkler systems and everything else, commercial developments – if a commercial development is grandfathered in based on pre-code, and they do some remodeling, then would they need to comply with fire suppression and sprinkler systems?

CAPTAIN PATTY: Madam Chair, Commissioner Mayfield, it depends on several conditions. If they're doing 49 percent of the square footage remodeling or more then they would have to bring it up to current code.

COMMISSIONER MAYFIELD: That's fine. So at our old county courthouse, I guess our existing county courthouse, does that have fire suppression inside of it? The current First Judicial Courthouse?

CAPTAIN PATTY: I'm not real sure.

COMMISSIONER MAYFIELD: If we remodel more than 49 percent we're going to have to put out fire sprinkler systems? And in this building I know there's been a lot of remodels in this building but we haven't done sprinkler systems in this building.

CAPTAIN PATTY: There's another angle here, Madam Chair, Commissioner Mayfield, is if you can produce the minimum fire flow by hydrants that are outside the building, depending on the square footage of the building – I'm going to have to guess here,

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but say, take this building right here, x-many square feet, if you have enough hydrants to meet the minimum fire flow you may not have to sprinkler the building, if you have that fire flow, depending on occupancy and use.

COMMISSIONER MAYFIELD: Madam Chair, I won't go down that – but Captain, I'm going to talk with you [inaudible] Madam Chair, that's all I have for questions and thank you, and all the applicants, thank you for being here and again, I know it's been a long, drawn-out process but I do appreciate your patience with this and also the comments from different folks. There are some letters in here – I know they've been stated but there is one asking for us to kind of hold off; they don't support this. I heard Ms. Lobato and there's many letters in this application in support. But this process has helped educate me a lot too so thank you all.

CHAIR STEFANICS: Thank you. Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Madam Chair. First of all, Mr. and Mrs. Johnson, I really want to thank you for your patience, going through this process, and your persistence. With that I would like to move for approval of CDRC Case #MP/PDP/FDP 12-5210.

CHAIR STEFANICS: Ms. Lobato. The public hearing is completed. It is the Commissioners' time now. So Commissioner Holian, please continue.

COMMISSIONER HOLIAN: Ravens Ridge Bed and Breakfast with staff conditions.

CHAIR STEFANICS: Okay. Is there a second?

COMMISSIONER VIGIL: Second.

CHAIR STEFANICS: Thank you. Is there any further questions or comments from Commissioners?

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

- XVI. B. 3. BCC CASE # MIS 08-5211 Sandstone Pines Time Extension. Anasazi MVJV LLC, Applicants, Request a 36-Month Time Extension of the Previously Approved Preliminary and Final Plat and Development Plan for a 12-Lot Residential Subdivision (Sandstone Pines) on 42.99 Acres. The Property is Located in Glorieta, North of I-25, South of State Road 50, within Sections 1 & 2, Township 15 North, Range 11 East, Commission District 4**

MS. LUCERO: Thank you, Madam Chair. MVJV LLC, applicants, request a 36-month time extension of the previously approved preliminary and final plat and development plan for a 12-lot residential subdivision on 42.99 acres.

CHAIR STEFANICS: Excuse me one second. Is this part of the meeting televised, Penny? Then we need Ms. Lucero to come to the front please.

MS. LUCERO: MVJV LLC, applicants, request a 36-month time extension of the previously approved preliminary and final plat and development plan for a 12-lot residential subdivision on 42.99 acres. The property is located in Glorieta, North of I-25,

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South of State Road 50, within Sections 1 & 2, Township 15 North, Range 11 East, Commission District 4.

On July 13, 2010, the BCC granted preliminary and final plat and development plan approval for a 12-lot residential subdivision known as Sandstone Pines on 42.99 acres. The preliminary and final plat and development plan for the Sandstone Pine Subdivision will expire on July 13, 2012. The applicants state that due to the slow economy they have not been able to move forward with this subdivision. Their hope is that the economy will improve within the next couple of years and they will be able to put in the infrastructure and finish the subdivision. Therefore they are requesting a 36-month time extension that would render the preliminary and final plat and development plan approval valid until July 13 of 2015.

Growth Management staff has reviewed this application for compliance with the pertinent code requirement and find the project is in compliance with County code criteria for this type of request.

Staff recommendation is approval of the request for a 36-month time extension for the approved preliminary and final plat and development plan for Sandstone Pines. Thank you, Madam Chair. I stand for questions.

CHAIR STEFANICS: Thank you. Is the applicant here or their agent? So if you would come up please. Do you have anything further you'd like to say? If so, we need to swear you in.

[Duly sworn, Melvin Varela testified as follows:]

MELVIN VARELA: Melvin Varela, vice president of Anasazi MVJV LLC, 9 Camino Andres Vigil, Pecos, New Mexico.

CHAIR STEFANICS: Thank you. What would you like to add?

MR. VARELA: Good evening, Commissioners, Madam Chair and Commissioners. As you well know, the economy has been bad so anything having to do with construction, real estate, the banking system – well, it's been slow. People just don't get loans like they used to in the past. And being a developer and going through the development stages and the time that's involved to do this and all the hoops that we have to jump through, and of course the cost is one of the big things. And we've invested a lot into this property up to this point and we are hoping that you will give us this extension based on the way the economy is. So I hope you do.

CHAIR STEFANICS: Okay. Thank you very much. Is there anyone in the public that is here to speak to this, on behalf of or against? Please come on up. And if you'd please be sworn in.

[Duly sworn, Andy Dalmy testified as follows:]

ANDY DALMY: My name is Andy Dalmy. [Exhibit 3]

CHAIR STEFANICS: And your address, sir.

MR. DALMY: I'm at 15 Smiling Moon Lane. Madam Chair, Commissioners, my property abuts the Sandstone Pines proposed subdivision entirely on the east side and I've supplied you with a letter that I've written and I'd just like to read it into the record. It says, I respectfully request, on behalf of myself, my neighbors and those who live in this area that

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the County Commission deny the 36-month time extension of the previously approved preliminary and final plat and development plan for Sandstone Pines.

There have been two proposed subdivisions on this same plot of land. Case #SO 3-5920, Las Animas Subdivision was first heard by the CDRC March 2004. The proposal was denied by the CDRC in August 2004 and subsequently denied by the BCC at the September 20, 2004 meeting. A new subdivision the current Sandstone Pines was proposed in 2008 and the CDRC, after numerous meetings and testimony once again denied it at the March 18, 2010 meeting.

Our opposition to this subdivision on this property has always been concerning water – water quality and more important, water availability. CDRC and BCC from 2004 and the CDRC from 2010 have evidently found the testimony of evidence insufficient water presented by my hydrologist, Dr. Steven Finch, and the County Hydrologist from 2004, Dr. Stephen Wust, compelling enough that they voted to deny both proposed subdivisions. Surprisingly in the BCC in 2010, although by a narrow margin, subsequently approved the preliminary and final plat and development plan for the Sandstone Pines Subdivision, disregarding the recommendations of the 2010 CDRC and previous decisions by CDRC and BCC in 2004.

With the increasing current drought conditions in New Mexico we ask that the BCC deny the application for the subdivision extension. If drought conditions continue as they are predicted to it doesn't make sense to grant an unconditional 36-month extension. It makes more sense to require Anasazi to reapply when they are ready to start development and let CDRC and the BCC reassess the water availability at that time. If indeed a long-term water supply to support such a subdivision does not exist it could pose a threat to the current residents in this area and those who may purchase property in the subdivision itself. And I thank you.

CHAIR STEFANICS: Thank you very much. Is there anyone else in the audience that is here to testify on behalf of or in opposition to. Okay, this is coming back to my memory. Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Madam Chair. This is a question for you, Vicki. There is an existing well on the property, correct?

MS. LUCERO: That's correct.

COMMISSIONER HOLIAN: And another pump test could be performed on that well in principle?

MS. LUCERO: Madam Chair, Commissioner Holian, yes, I believe that another pump test could be conducted.

COMMISSIONER HOLIAN: And I guess my other question is can – if we were to approve this, could we add conditions. Or if we approve a time extension do we have to go with the same conditions?

MS. LUCERO: Madam Chair, Commissioner Holian, I believe that if it is the wishes of the Commission to add additional conditions that they may do so.

COMMISSIONER HOLIAN: Okay. Thank you. And then I have a question for Captain Patty.

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CHAIR STEFANICS: On this point, in the packet, on page 4, do we not have the recommendation with all the conditions, the 17 conditions?

MS. LUCERO: Madam Chair, that is correct. It is actually Exhibit 6 I think that is a better reflection of what the final conditions were. I think there was an 18th condition added which is reflected in the findings of fact.

CHAIR STEFANICS: Okay. I'm sorry. Commissioner Holian, you still have the floor.

COMMISSIONER HOLIAN: Okay. So Captain Patty, I'm wondering if you've read over the conditions on this particular development, and it has been a number of years now so I'm wondering if you have any other – you think that they're sufficient or you have any other recommendations.

CAPTAIN PATTY: Madam Chair, Commissioner Holian, I haven't read anything new on the conditions. Fire Department approval, what he had originally proposed would meet the requirements of the County when it comes to water storage and the hydrants in this area again. Or the possibility of residential sprinkler systems for each individual lot.

COMMISSIONER HOLIAN: Okay. Thank you. So I guess I also have a question for Mr. Ross, and that is have any improvements occurred on the property since the approval?

MR. VARELA: No. No improvements have happened. We were getting all the paperwork and everything that the County needs for those items that were requested. In the beginning or I should say close to the final approval we had to drill another well to show water. We had a 500-foot well on the property and that was tested, and it proved that there was water, but we were asked again to drill another well, another \$30,000 well that was 800 feet deep, and there again, we proved that there was water. They asked us to test it and of course each test is \$4,000. So we have tested both wells and they're good producing wells. If you give us this extension there would be a third well that would have to be drilled in order to meet the standards for the State Engineers Office.

COMMISSIONER HOLIAN: Okay. Mr. Varela, would you be willing to do another pump test and a water quality test prior to actual development of the property? I know the conditions have changed. We have had drier weather, so there might be issues with water quality or water quantity that didn't show up when you were doing the tests and you came before us for the original approval. I know that, as a matter of fact, in Glorieta Estates there have been some very severe water quality problems even show up rather recently. So I wondered if you would be willing to do that as an additional condition.

MR. VARELA: Yes. Yes, we would. We did a full spectrum test on both of them, so that was including radon, every metal under the sun that you could think of and that's what it was tested for. And of course everything passed. So yes, we would be willing to do that.

COMMISSIONER HOLIAN: Okay. Thank you. I'm done.

CHAIR STEFANICS: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I believe as a Commission we set some precedent with some prior cases relative to the same request that's being made today,

relative to economic conditions. Did we require additional conditions on those applicants? Mr. McCarthy comes to mind. I think it was Mr. McCarthy's property, and Mr. Hoeft. There was a couple. Galisteo Basin Preserve, Mr. McCarthy's property, we granted an extension I believe. Longford Homes. Those three. Those three come to mind relative to requesting an extension of time, based on some similar provisions that we granted. So I'm just curious.

MS. ELLIS-GREEN: Madam Chair, Commissioner Anaya, I'm not sure that we added additional conditions to those applications.

COMMISSIONER ANAYA: So Madam Chair, I think we set some precedent. I think there's 17 conditions and you said there's another one? 18?

MS. ELLIS-GREEN: There's 17 on Exhibit 6.

COMMISSIONER ANAYA: I guess I'll listen to the rest of the comments but I think we set some precedents with some prior approvals. I don't know that it matters but I know we recently did that. Those three come to mind – Longford Homes, I think, McCarthy – and what was the other one I said? Galisteo Basin Preserve.

COMMISSIONER HOLIAN: Madam Chair.

CHAIR STEFANICS: I'd like to make a couple of comments and ask some questions of staff. Ms. Lucero, this was approved two years ago, and if we approve this three-year extension, will the applicant be eligible for any further extensions?

MS. LUCERO: Madam Chair, the code is specific to say that the BCC can extend the approval for no more than 36 months.

CHAIR STEFANICS: And if the applicant has not completed anything in the next three years and we have a new code, and something would change in that code, can the applicant reapply? Mr. Ross?

MR. ROSS: Madam Chair, it's actually the Subdivision Act and no, they cannot.

CHAIR STEFANICS: Thank you. I remember, Ms. Lucero – I started looking at the map it kind of dawned on me and then I read the minutes. There was a lot of controversy about this at the time. Now, I don't see – see one gentleman coming, and bless your heart for bringing public comment, but I'm wondering, is all the controversy gone with this whole project?

MS. LUCERO: Madam Chair, the only person I've heard from in regards to this application is the gentleman who is here today. I haven't received any phone calls or letters from anybody else within the community.

CHAIR STEFANICS: Okay. Thank you. Any further questions? Commissioner Vigil, did you have any questions? Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Madam Chair. I just have a comment. I just know, because of water quality issues in Glorieta Estates, which is very close by this particular proposed subdivision, that it seems to me like it would be prudent to have another condition, and Mr. Varela has agreed to doing this, to do another water quality test prior to development. And I think that that is in the best interest of the people who would buy those lots because – rather than them having to do the water quality tests. There was uranium found in water in Glorieta Estates, and that came up rather suddenly. And so I just think that

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it would be a wise thing to do if we were to approve this. And then possibly to do another pump test at that time.

COMMISSIONER ANAYA: Madam Chair.

CHAIR STEFANICS: Commissioner Holian has the floor.

COMMISSIONER ANAYA: Just on this point.

CHAIR STEFANICS: Okay. On that point.

COMMISSIONER ANAYA: I think the water quality test makes sense, especially given the issues associated with what's been found in the area, but given the cost and the wells that have already been done. And did you say you will have to do another well, Mr. Varela?

MR. VARELA: Yes.

COMMISSIONER ANAYA: So you're going to have to do another well to comply with State Engineer issues. I guess – the water quality tests I think make sense but the additional pump tests, I think that's an extra economic burden I think that I would hope maybe the compromises of the testing for the water but the pump test I think is – I don't think that's reasonable, given that you're going to go through the cost of another well to meet the conditions of the State Engineer. Is that correct?

MR. VARELA: Yes. And based on the way the economy has been going and the increases in cost of drilling wells, I imagine that this new well will be \$35,000 to \$40,000. That would be the third well. Plus whatever else that goes with it. The distribution lines, all this other stuff.

COMMISSIONER HOLIAN: Well, Commissioner, I would imagine that you would have to do a pump test anyway when you drill the new well to find out what kind of water it was producing. Correct?

MR. VARELA: On the third well, yes. We usually run them 72 hours so that the well gets cleaned out, and of course the water just gets thrown really. But that's part of the requirement, 72 hours.

COMMISSIONER HOLIAN: So, Mr. Varela, let me ask you this as well. How close are you to the Glorieta Estates line? I'm just wondering if you could become part of that system if for some reason or another you have water quantity problems.

MR. VARELA: Well, as the crow flies, it's about three miles. Highway-wise it's probably about five miles.

COMMISSIONER HOLIAN: Oh. I see.

MR. VARELA: So we're a good distance from there, so that probably wouldn't work.

COMMISSIONER HOLIAN: Are you near Glorieta East?

MR. VARELA: We're right by the cutoff that goes to Glorieta Baldy. So the property starts a little past that towards Pecos on Highway 50 and then it extends over to 285 on the other side. So when we first started this it was at 19 lots and we got down to 12. But we have had to do a temporary road, plus then we've had to prove water, which was one of the biggest things, and we did and the quality was good.

COMMISSIONER HOLIAN: Okay. Thank you.

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COMMISSIONER ANAYA: Madam Chair.

CHAIR STEFANICS: Yes. Are you finished, Commissioner Holian?
Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I would move for approval with an 18th condition of water quality testing and pump testing on the third well.

CHAIR STEFANICS: Is there a second?

COMMISSIONER MAYFIELD: Second, Madam Chair.

CHAIR STEFANICS: Any further comments, questions, discussion?

COMMISSIONER MAYFIELD: Madam Chair, I had a question.

CHAIR STEFANICS: Yes, Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, this question is for staff. Madam Chair, didn't the County pass a resolution based on economic conditions that we will – didn't we pass something where people have an extension if they have something in the hopper with us?

MR. ROSS: Madam Chair, Commissioner Mayfield, no. It permits them to engage in a process when their master plan or preliminary plan or final plat has expired. You still have to file an application and go through a process.

COMMISSIONER MAYFIELD: Okay. Thank you. That's all I have, Madam Chair.

CHAIR STEFANICS: Thank you. I'm going to make a comment. I'm going to support the motion just because – I voted against this project in the first place and I still have the same concerns as then, but we have provided extensions to other projects. And so I feel like although I was in the minority, it did pass. We have provided extensions to other individuals, and so I think we should maintain that standard. Any other comments before we vote?

COMMISSIONER HOLIAN: Madam Chair.

CHAIR STEFANICS: Yes.

COMMISSIONER HOLIAN: I just have a comment too. I do have concerns about the water quantity and quality in this area, but I hope that by doing – there will be another well drilled and there will be testing done and I hope that those things – if there is a problem that they will not be allowed to go forward, that they will have to prove that they have sufficient water at the time the development goes forward and that it is of sufficient quality.

CHAIR STEFANICS: Thank you very much. We have a motion to accept the staff recommendation and an 18th condition. We have a second.

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

CHAIR STEFANICS: Okay. You have it.

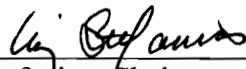
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- XVI. B. 4. BCC CASE # MIS 12-5240 Carlos Vigil & Susie Coronado Vigil Vacation of Easement. Carlos Vigil & Susie Coronado Vigil, Applicant's Request Approval to Vacate a Platted Twenty Foot (20') Wide Private Access and Public Utility Easement on 10.99 Acres. The Property is Located at 6 Calle Tres Pinos, within Section 15, Township 16 North, Range 9 East, (Commission District 4) Wayne Dalton, Case Manager **TABLED BY REQUEST OF THE APPLICANT**

XVII. Adjournment

Having completed the agenda and with no further business to come before this body, Chair Stefanics declared this meeting adjourned at 9:00 p.m.

Approved by:



Liz Stefanics, Chairwoman
Board of County Commissioners


ATTEST TO:

VALERIE ESPINOZA
SANTA FE COUNTY CLERK

Respectfully submitted:

Karen Farrell, Wordswork
453 Cerrillos Road
Santa Fe, NM 87501

SFC CLERK RECORDED 88/15/2012

SANTA FE COUNTY FIRE PROTECTION EXCISE TAX

BCC Presentation

July 10, 2012

1. History of the Fire Excise Tax

- First imposed in SFC in the 1985
- Utilized since that time to support the construction and improvement of fire stations
- To purchase fire apparatus, ambulances, EMS and Fire Equipment such as jaws of life, defibs, and so forth
- Personal protective gear for volunteer and career firefighters
- Last renewal in SFC in 2003 – sunset after 5 years
- election held on 11/17/09 and failed to gather a majority

2. Importance of the Fire Excise Tax

- Prior to the 2009 referendum the fire department completed a 5 year Strategic Plan (2010-2014) and a Financial Plan
- Approved by BCC in June 2009
- Impact Fee Capital Improvement Plan approved in 08
- All three provided justification for continuation of the tax
- Demonstrated that the fire department could not complete the apparatus replacement schedule from the 2004-09 Plan or complete the 2010-2014 replacement schedule
- Identified approximately \$8 million funding shortfall for replacement of equipment and apparatus
- Fire apparatus, ambulances, fund repairs, purchase essential protective gear for volunteers and career firefighters, purchase fire, EMS and Rescue equipment such as the Jaws of Life, Defibs, gurneys
- Reduce the fleet age and surplus our aged vehicles – still have a number of vehicles in excess of 25 years (La Puebla engine 3 - 27 years, Tesuque Engine 3 - 27 years
- To do special projects like the communication systems upgrades, radios pagers, chipper for the wildland crew, firefighting tools
- Technological improvements, data collection, broadband

3. Considerations

- As high as \$1.954 million in 2008 – average approximately \$1.5 million 9
- Under current conditions tax would generate \$1.24 million annually
- Since tax expiration more than \$4 million in lost capital outlay
- Further compounded by sharp decline in Fire-Rescue Impact fee revenue from \$451,372 in FY08 to \$114,235 in FY12 – reminder that Impact fees are tied to growth and not replacement

4. Budget for Fire Department

- Turn our attention to the State Fire Fund
- FD traditionally does not rely on general fund
- NM State Fire Fund stands as our primary funding source for volunteer and combination volunteer and career districts
- \$1.918 million in FY 2012
- May be used for capital purchases and to cover volunteer district operating expenses
- Must be expended in the assigned or funded volunteer district
- Generally insufficient to fund larger capital items, especially in smaller districts – CFPET used to cushion shortfalls in smaller districts
- La Puebla receives \$148, 000 from the Fire Fund annually – support district expenses, fuel, utilities, insurance, maintain and repair vehicles, purchase protective gear for firefighters, replace firefighting equipment such as hose, foam, and EMS supplies – barring unexpected expenses throughout the year, this leaves them with only a small surplus to save to replace apparatus to include E3,T4, B2, R7
- \$131,588 encumbered expended/ \$16,382 carry forward
- Glorieta Pass \$78,000 annually and need for a substation and replacement of E2
- \$65,134 encumbered expended/ \$12,745 carry forward
- Madrid \$78,000 annually and had saved several years to afford a training room expansion and replacement of a brush truck (1977) for less than 100k
- Other examples of replacement needs in districts include: Pojoaque E-3, E6, R3
- TT T6, T8

- Edgewood E-3, T3, B3,
- Banking funds across Fiscal Years is risky per SFMO
- At the District level, few other alternative funding options exist for capital outlay – Fire-Rescue Impact fees, bonds, grants – Fees tied to new growth exclusively, bonds not available for apparatus or equipment, grants are not an assured funding source
- Career Staff : equipment and apparatus replacement is not funded from the state fire fund – ambulance replacement, EMS equipment such as defibs, communications equipment, prevention and staff vehicle replacement, fire prevention and public education program materials, wildland firefighting vehicles and equipment, personal protective gear such as pants, jackets, gloves, helmets, shields, and so forth
- No dedicated funding source for these costs
- We squeeze out replacement costs from our operating fund that supports salaries and benefits, reducing our ability to meet our current and future needs
- And to continue the support our career firefighters and paramedics provide to our volunteer based districts

5. Summary

- Fact of the Matter: Fire Excise Tax a source of funding for county fire departments authorized by the State Legislature and a source not available to other county departments
- Can free up capital outlay funds for other essential county projects
- Live within our means: this was our means, since 1985 (24 years)
- Absence translates into a decrease of over one million dollars per year
- An authorized means to fund capital and operating expenses
- Alleviate the burden on operating funds that cover salary and benefits
- Live within our means: already use volunteers extensively – if that isn't living within our means as a department and a county I don't know what is
- Fire Excise Tax is an essential means to support our volunteer workforce as well as our career workforce
- And a means to provide the kind of cost effective professional service our county residents expect

6. Logistics of authorizing a renewal of the Fire Excise Tax

- Commission may enact an ordinance imposing an excise tax
- Tax imposed on any person engaging in business in *unincorporated* SFC
- Equal to one quarter of one percent (25 cents on a \$100 purchase)
- Exclusively used for the purpose of financing the operational expenses, ambulance services, or capital outlays of fire districts or ambulance services provided by the county
- Ordinance shall not go into effect until after an election is held – this year’s general election
- Law requires the county to adopt a resolution calling for an election within 75 days from the date an ordinance is adopted on the question of imposing the tax – also included for your review
- Simple majority of qualified voters required for approval
- Effective date January 1 or July 1 following election
- If it fails, county must wait one year to again propose the tax
- Recommendation – authorize publication of title and general summary for the July 31st BCC

July 10, 2012

Santa Fe County Commission
102 Grant Avenue
Santa Fe, New Mexico 87501

Re: Forrest and Phyllis Johnson Application for Commercial Zoning

Dear County Commissioners:

The property owned by Mr. and Mrs. Johnson is in a totally rural area.

We, the neighbors living adjacent and close to their property are very concerned about the changes they are requesting.

Ravens Ridge Road intersects with Old Santa Fe Trail. At this intersecting corner there is substantial traffic coming from all road south and east of this intersection. This corner is a blind corner as traffic going north on Old Santa Fe Trail meets Ravens Ridge Road. Traffic approaches at 35 to 50 mph.

On Ravens Ridge Road immediately preceding their property, there is a blind corner as the road rises onto a hill. It is impossible to see cars coming up the hill and down the hill. There is substantial traffic of large vehicles, trucks and SUVs on our road in addition to delivery trucks from UPS, Fed Ex and propane delivery trucks. which are extremely large.

Already every driver on Ravens Ridge Road is required to stop when meeting on-coming traffic because two vehicles barely fit on his road.

Vehicles coming up the hill on blind corner always are in the middle of the road leaving no room for the descending vehicle. This road is very dangerous when the road has no ice or snow and it becomes extremely dangerous in the winter with ice and snow.

Dr. Stelzner, pediatrician, lives between the corner of the Johnson's road and Old Santa Fe Trail. He did not get notice of the Johnson's application even though there are only three houses, his on the corner of Ravens Ridge Road and Old Santa Fe Trail and two (2) others.

RECORDED 88/15/2012

He and his wife oppose the re-zoning of the Johnson's property but is unable they are unable to attend this meeting having learned of the meeting only on Sunday, this past weekend.

They request that this meeting be postponed to allow them and other neighbors to attend who could not see the sign relating to the re-zoning because the sign was posted east of their property and home where they do not drive and could not see the sign.

On May 21, I filed a lawsuit with the First Judicial District Court naming the Johnsons and other neighbors, namely Gregg and Tracy Robinson. The Robinsons own no property on an arroyo which runs behind the Johnsons' property, through Dr. Redman's property and through mine.

The Johnsons allowed the Robinsons to walk through their property onto this arroyo. The Robinsons continued walking through these properties despite being told by me that they could not walk through the arroyo because it is not a public trail. They insisted it was and that they had permission to walk the arroyo.

In May of 2010, Forrest Johnson signed an Affidavit that he had given access to the Robinson to access his property and the arroyo. This Affidavit also stated that he denied further access to the Robinsons.

I filed this lawsuit because the Robinsons were attacking me verbally and their dogs were aggressive towards me. They were walking trough my property and Dr. Redman's property.

Dr. Redman's Affidavit which is attached to this letter states that the property which he and his wife own has no public trail or public easement.

Ms. Vicky Lucero stated to me that these properties have no public trail or easement to the public.

I ask that the Johnsons be required to not allow their guests to bring their dogs because dogs will have to be walked and the inclination of their guests will be to let their dogs run through the arroyo. Dogs cannot be restrained from running. Guests will be inclined to walk through the arroyo.

Dr. Redman, Dr. Steffy, another neighbor and myself all own property on the arroyo and we do not want this arroyo used by the Johnsons' guests because the arroyo is not public and we do not want a change in the use of our properties.

We request that the Johnsons be limited to six (6) guests as a condition of this change if it is granted. We also request that the Johnsons' guests be denied use of the arroyo, that they not be allowed to bring their dogs. Preventing their dogs will ensure that they will not enter the arroyo and will not walk through the arroyo.

Dr. Redman has sent a letter of opposition to the change in zoning.

Copies of Dr. Redman's affidavit and the affidavit of Forrest Johnson are attached.

2010/05/19/08 08:19/2010

For the above reasons, I oppose the change in zoning.

Respectfully,

Francesca Lobato

Francesca Lobato
42 Ravens Ridge Road
Santa Fe, NM 87505

FILED
FIRST JUDICIAL
DISTRICT COURT

MRN

FIRST JUDICIAL DISTRICT COURT
STATE OF NEW MEXICO
COUNTY OF SANTA FE

No. ²⁰¹¹ D-82 PM 2:46V-20100179

Francesca Lobato, Plaintiff vs Greg Robinson, Tracy Robinson, and Brittany Robinson, Defendants

Affidavit

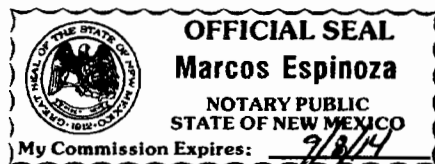
I, Judge Johnson, am the Affiant, and state as follows:

1. In May of 2010, in a conversation with Greg Robinson, he informed me that Francesca Lobato had filed a lawsuit against him for walking in the arroyo. He told me that she had at one point named us in the lawsuit and named all the other neighbors with property abutting the arroyo as well.
2. At that time, acting as what I considered to be a good and friendly neighbor, I told him I did not see a problem with him crossing our property or walking in the arroyo and that I could not understand why Ms. Lobato would do this.
3. Unfortunately, since then, I and my wife have received numerous telephone calls from Ms Lobato, detailing that her fears for her safety would force her to name us in the lawsuit if we did not rescind our permission to Mr. Robinson. Sadly, because of those stated intentions, I feel I have little choice but to rescind my permission and state that although I have absolutely no knowledge of Mr. Robinson ever setting foot on my property, Mr. Robinson can no longer enjoy my permission to cross my property to reach the arroyo.
4. It is unfortunate that this grievance could not be worked out between the two neighbors. It is my wish to maintain a friendly and peaceful neighborhood where all parties would feel safe from any threats from their neighbors.
5. On my oath, I hereby affirm the above statements.

Judge Johnson, Affiant

I, Judge Johnson, being first duly sworn upon my oath, depose and state that I am the Affiant. I state that I have read this Affidavit and that the contents of the Affidavit are true and correct to the best of my information and belief.

Judge Johnson
Judge Johnson Affiant



State of New Mexico }
County of Santa Fe } SS
The foregoing instrument was acknowledged before me this 1 day of Oct. 2010
By Forrest J. Johnson

Notary Public
My Commission Expires: 9/8/14

REC'D BY RECORDED 09/15/2011

FILED
FIRST JUDICIAL
DISTRICT COURT

2011 JUN 22 PM 2:44

FIRST JUDICIAL DISTRICT COURT
STATE OF NEW MEXICO
COUNTY OF SANTA FE

9/11/11

Francesca Lobato,
Plaintiff,

vs.

No. D-0101-CV-201001792

Gregg Robinson, Tracy Robinson
and Brittany Robinson,
Defendants.

Affidavit

I, Dr. Michael Redman, am the Affiant, and being first duly sworn upon my oath, depose and state as follows:

1. I own the real property which abuts and adjoins the property of Francesca Lobato. We share a common property boundary.
2. I am a retired dentist. My wife and I own the property next to Ms. Lobato.
3. In October 2009, Francesca Lobato telephoned me at my home in Espanola. She called to inform me that Santa Fe County planned changes to the road which runs in front of my property and which forms the northern boundary of my property.
- ✓ 4. In this telephone conversation, Ms. Lobato stated that she went to Gregg and Tracy Robinson's home in October 2009 to ask them to inform me of Santa Fe County's plans. She spoke to Tracy Robinson who referred her to Gregg Robinson, her husband. Ms. Lobato stated that Gregg Robinson telephoned her later that same day.
- ✓ 5. Ms. Lobato told me that Gregg Robinson stated to her in the October 2009 telephone call that he would not call me to inform me of the planned changes to our road; and she stated that Gregg Robinson refused to give her my telephone number.
6. Ms. Lobato told me that Gregg Robinson did tell her that I lived in Espanola. She stated to me that she obtained my telephone number from the telephone directory.
- ✓ 7. Ms. Lobato stated that when Gregg and Tracy Robinson were walking in the arroyo they had told her that they and I were friends. Ms. Lobato stated that Mr. and Mrs. Robinson

STC CLERK RECORDED 08/15/2012

Signature: Dr. Michael Redman
Dr. Michael Redman, Affiant
208 State Road 399
Española, NM 87532

SUBSCRIBED AND SWORN TO before me this date: 7th September, 2010

My Commission Expires:
11-28-13

Brenda D. Salazar
NOTARY PUBLIC



Michael G. Redman

208 State Road 399

Espanola, NM 87532

Telephone # 505-753-4940

mgredman@windstream.net

June 11, 2012

County Land Use Administrator

P.O. Box 276

Santa Fe, New Mexico 87504-0276

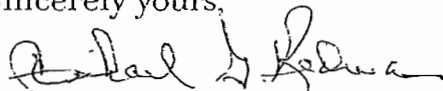
Dear Sir,

I am writing in regards to a public hearing that will be held in the County Commission Chambers of the Santa Fe County Courthouse, corner of Grant and Palace Avenues, Santa Fe, New Mexico on June 21, 2012 at 4:00 p.m. on a petition to the County Development Review Committee and on July 10, 2012 at 5:00 p.m. on a petition to the Board of County commissioners.

Unfortunately, due to a prior commitment, I will be unable to attend the hearing. Therefore, I am writing to protest the request by Phyllis Johnson regarding a proposed Bed and Breakfast within the existing residence on 2.78 acres (the property is located at 22 B Ravens Ridge Road within Sections 17 and 18, Township 16 North, Range 10 East-Commission District 4). Due to increased traffic on the road, adjacent to my property, this will affect residential development on my adjacent land.

This area is a quiet and residential area and I believe it should remain so.

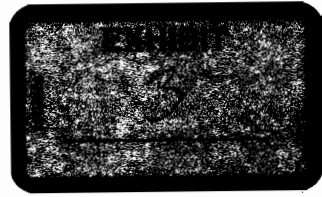
Sincerely yours,



Michael G. Redman



BCC Case #S-08-5211, Sandstone Pines Time Extension
County Commission Meeting - July 10, 2012



Dear Commissioner:

I respectfully request, on behalf of myself, my neighbors, and those who live in this area, that the County Commission deny the 36-month time extension of the previously approved preliminary and final plat and development plan for Sandstone Pines.

There have been two proposed subdivisions on this same plot of land. Case # S-03-5920, Los Animas Subdivision was first heard by the CDRC in March, 2004. The proposal was denied by the CDRC in August 2004, and subsequently denied by the BCC at the September 2004 meeting.

A new subdivision, the current Sandstone Pines case, was proposed in 2008, and the CDRC, after numerous meetings and testimony once again denied it at the March 18, 2010 meeting.

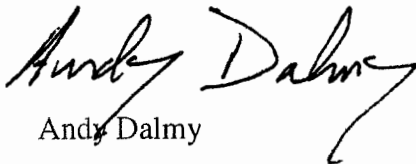
Our opposition to a subdivision on this property has always been concerning water; water quality, and more importantly water availability. The CDRC and BCC from 2004, and the CDRC from 2010 evidently found the testimony and evidence of insufficient water presented by my Hydrologist, Dr. Stephen Finch, and the County Hydrologist from 2004, Dr. Stephen Wust, compelling enough that they voted to deny both proposed subdivisions.

Surprisingly, the BCC in 2010 subsequently approved the preliminary and final plat and development plan for the Sandstone Pines Subdivision, disregarding the recommendation of the 2010 CDRC, and the previous decisions of the CDRC and BCC in 2004.

With the increasing current drought conditions in New Mexico, we ask that the BCC deny the application for the subdivision. If drought conditions continue, as they are predicted to, it doesn't make sense to grant an unconditional 36-month extension. It makes more sense to require Anasazi to re-apply when they are ready to start the development and let the CDRC and BCC re-assess the water availability at that time.

If indeed a long term water supply to support such a subdivision does not exist, it could pose a threat to the current residents in the area and those who may purchase property in the subdivision.

Respectfully,


Andy Dalmy

CLERK RECORDED 08/15/2012