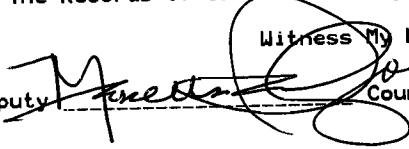


COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

BCC MINUTES
PAGES: 158

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Deputy  Witness My Hand And Seal Of Office
Valerie Espinoza
County Clerk, Santa Fe, NM

SANTA FE COUNTY

BOARD OF COUNTY COMMISSIONERS

REGULAR MEETING

August 31, 2010

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

Liz Stefanics – District 5 [excused]

SANTA FE COUNTY
REGULAR MEETING
BOARD OF COUNTY COMMISSIONERS

August 31, 2010

This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 11:05 a.m. by Chair Harry Montoya, in the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

Following the Pledge of Allegiance led by Deputy Brian Brandle and State Pledge led by Deputy Ronaldo Ulibarri, roll was called by County Clerk Valerie Espinoza and indicated the presence of a quorum as follows:

Members Present:

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

Member(s) Excused:

Commissioner Liz Stefanics

V. INVOCATION

An invocation was given by Deputy Kurt Whyte from the Sheriff's Department.

VI. APPROVAL OF THE AGENDA

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- B. Tabled or Withdrawn Items**

PENNY ELLIS-GREEN (Acting County Manager): Thank you, Mr. Chair. Item number XI. C is tabled. We have added items under XI. We added number D, Recognition of Santa Fe County Sheriff Deputies Brian Brandle and Ronaldo Ulibarri for graduating from the New Mexico Law Enforcement Academy. Added item E, Discussion and possible approval to provide additional funding to the Santa Fe County Extension Office for the 2010-2011 Santa Fe County Fair Queen to compete in the 2010-2011 State Fair Queen Contest. We've added item XI. F, Lovelace Health Insurance and CHRISTUS St. Vincent

Regional Medical Center agreement. We've added item XI. G, Santa Fe County automated bulk water system announcement.

We have also, on item XIII. F. 4, has been moved from Consent to this item after executive session, consideration of and approval of an amendment No. 3 of the employment agreement for Stephen Ross to serve as County Attorney. And Mr. Chair, we do have one more item that I understand now has been tabled. It will be item XIII. D. 3, the low-income and senior citizen credit for residential solid waste permit. That has been table today. Those are all the tables.

CHAIRMAN MONTOYA: Okay.

COMMISSIONER HOLIAN: Mr. Chair.

CHAIRMAN MONTOYA: Commissioner Holian.

COMMISSIONER HOLIAN: I would like to move item XI. A to just after item XIII. C. 1. I think it will be more relevant there.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN MONTOYA: Commissioner Anaya.

COMMISSIONER ANAYA: I'd like to move item XI. D right after IX. C, under presentations. That's the recognition of the new deputies. Put that right after C. where Greg has his presentations. If that's okay, Sheriff.

COMMISSIONER HOLIAN: Mr. Chair, I move for approval of the agenda with amendments.

COMMISSIONER VIGIL: Second.

CHAIRMAN MONTOYA: Motion by Commissioner Holian, second by Commissioner Vigil. Any other discussion to the approval of the agenda as amended?

The motion passed by unanimous [4-0] voice vote.

VII. APPROVAL OF CONSENT CALENDAR

A. Consent Calendar Withdrawals

COMMISSIONER HOLIAN: Mr. Chair.

CHAIRMAN MONTOYA: Commissioner Holian.

COMMISSIONER HOLIAN: I would like to remove item XII. B. 5.

CHAIRMAN MONTOYA: XII. B. 5. Any other removals?

COMMISSIONER VIGIL: Mr. Chair.

COMMISSIONER HOLIAN: Commissioner Vigil.

COMMISSIONER VIGIL: Item XII. C. 3.

CHAIRMAN MONTOYA: Okay. Commissioner Anaya.

COMMISSIONER ANAYA: Move for approval as amended.

COMMISSIONER HOLIAN: Second.

CHAIRMAN MONTOYA: Okay. We have a motion for approval of the Consent Calendar with the removal of two items, second by Commissioner Holian.

The motion passed by unanimous [4-0] voice vote.

XII. CONSENT CALENDAR

A. Finding of Facts

1. **CDRC Case # S 09-5211 Saddleback Ranch. Saddleback Ranch Estates LLC., (Gabriel Bethel), Applicant, Requests Approval of a Summary Review (Type V) Residential Subdivision Consisting of 24 Lots (Each 40-Acres in Size) on 960 Acres. The Project is Located on County Road 41 within Section 13, 23, 25, & 26 of Township 14 North, Range 9 East and Sections 7, 8, 9, 16, 17, 18, 19, 20, 21, and 29 Township 14 North, Range 10 East, Near the Villages of Galisteo and Lamy (Commission District 3) (APPROVED 5-0) [Exhibit 1: Revised Order]**

B. Miscellaneous

1. **Request Approval of an Agreement Between CWA Sheriff's Union and Santa Fe County Regarding One Economic Issue and One Non-Economic Issue Pursuant to the Collective Bargaining Agreement.**
2. **Request Approval of an Amended MOU Between CWA Sheriff's Union and Santa Fe County Clarifying Eligibility for Corporal Promotions.**
3. **Resolution No. 2010-135. A Resolution to Include the County Owned Property within the Cerrillos Hills State Park in the Federal Land Water and Conservation Fund Program. (Community Services Department)**
4. **Request Approval of the Accounts Payable Disbursements Made for All Funds for the Month of July 2010 (Finance Division)**
5. **Review of the Monthly Financial Report for the Month of July 2010 Specific to the General Fund. (Finance Division) ISOLATED FOR DISCUSSION**
6. **Request Approval of Two (2) New Mexico Finance Authority Loan/Grant(s) Totaling \$6,000,000 for the Buckman Direct Diversion Project. The Loan/Grant(s) Will Be Shared Equally By Both the City and the County and Used to Fund the Completion of the BDD Project; the Total Amount Pertaining to the County is \$3,000,000. The First Loan/Grant is for \$2,000,000 of Which \$1,800,000 is Identified as a Grant Amount and the Remainder as a Loan. The Second Loan/Grant is for \$4,000,000 of Which \$3,200,000 is Identified as a Grant Amount. (Finance Division)**
7. **Resolution 2010-136. A Resolution Accepting and Ratifying USDA Forest Service Match Grant, No. 10-DG-11031000-0303, in the Amount of Three Hundred Forty-Two Thousand Five Hundred Fourteen Dollars and No/Cents (\$342,514.00) for the Santa Fe**

County Fire Department Collaborative Forest Restoration Program-Engaging Communities in Wildfire Prevention and Providing the Necessary Matching Funds Thereof.

8. **Request Approval to Renew an Agricultural Lease with the New Mexico Land Office for Approximately 40 Acres of Property Located within the La Cienega Area, Section 32, Township 16N, Range 8E. NMPM within Santa Fe County (Community Services Department)**
9. **Approval of Santa Fe County Services Agreement with Compass Group USA, Inc. (d/b/a Canteen Correctional Services) to Provide Food Services and Commissary Operations at the County Corrections Department.**

C. Budget Adjustments

1. **Resolution No. 2010-137. A Resolution Requesting an Increase to the Alcohol Programs Fund (241) to Budget a Memorandum of Understanding with Santa Fe Public Schools for a Teen Court Truancy Program / \$25,000. (Community Services Department)**
2. **Resolution No. 2010-138. A Resolution Requesting an Increase to the EMS – Healthcare Fund (232) to Budget Cash Carryover for an Ambulance Service Agreement Between Santa Fe County and Espanola Hospital / \$33,000. (Finance Division)**
3. **Resolution No. 2010-___. A Resolution Requesting an Increase to the Lodgers Tax Advertising Fund (215) to Budget Cash Carryover for a Joint Effort Between Santa Fe County and the City of Santa Fe for Media Relations / \$50,000. (Finance Division) ISOLATED FOR DISCUSSION**
4. **Resolution No. 2010-139. A Resolution Requesting to Reverse the Operating Transfer From the Correctional GRT Fund (219) to the Jail Revenue Bond Debt Service Fund (405) and Replace with an Operating Transfer to the Corrections Operations Fund (247) Which Will Be Transferred to the Jail Revenue Bond Debt Service Fund (405) to Correct the Pooled and Non-Pooled Cash in the Jail Revenue Debt Service Fund / \$2,251,380. (Finance Division)**
5. **Resolution No. 2010-140. A Resolution Requesting a Budget Transfer From the Corrections Operations Fund (247) to the Water Enterprise Fund (505) to Transfer an Administrative Assistant FTE / \$59,595 (Finance Division)**
6. **Resolution No. 2010-141. A Resolution Requesting an Increase to the Law Enforcement Operations Fund (246) to Budget the Grant Balance for the Region III JAG Recovery Act Grant / \$674.50 (County Sheriff's Office)**
7. **Resolution No. 2010-142. A Resolution Requesting an Increase to the Federal Forfeiture Fund (225) to Budget Cash Carryover**

- From Federal Forfeitures Received in Fiscal Year 2010 for Expenditure in Fiscal Year 2011 for the Region III Program / \$57,358.97 (County Sheriff's Office)**
8. **Resolution No. 2010-143. A Resolution Requesting a Budget Decrease to the Law Enforcement Operations Fund (246) and a Budget Increase to the Federal Forfeiture Fund (225) to Correct the Fiscal Year 2011 Budget for Federal Forfeiture Received for the Region III Program / \$2,340.34. (County Sheriff's Office)**
 9. **Resolution No 2010-144. A Resolution Requesting an Increase to the Law Enforcement Protection Fund (211) to Realign the Fiscal Year 2011 Budget with the Actual Allotment Awarded / \$28,123 (County Sheriff's Office)**
 10. **Resolution No. 2010-145. A Resolution Requesting an Increase to the State Special Appropriations Fund (318) to Budget a Grant Awarded Through the New Mexico Aging and Long-Term Services Department for the Santa Fe Countywide Senior Centers / \$48,000 (Community Services Department)**
 11. **Resolution No. 2010-146. A Resolution Requesting an Increase to the General Fund (101) to Budget Cash Carryover for Landscape and Architectural Design Services at the Camino de Jacobo Housing Site / \$27,179.41 (Community Services Department)**
 12. **Resolution No. 2010-147. A Resolution Requesting an Increase to the EMS-Healthcare Fund (232) to Budget the Grant Balance From the New Mexico Department of Health for the Maternal and Child Health Program / \$2,265 (Community Services Department)**
 13. **Resolution No. 2010-148. A Resolution Requesting an Increase to the GOB Series 2009 Fund (335) to Budget Cash Carryover for the South Meadows Road Extension Project / \$319,453 (Public Works Department)**
 14. **Resolution No. 2010-149. A Resolution Requesting an Increase to the Developer Fees Fund (231) to Budget Cash Carryover for the Affordable Housing Program / \$290,000 (Growth Management Department)**
 15. **Resolution No. 2010-150. A Resolution Requesting an Increase to the Fire Operations Fund (244) to Budget New Revenue From an Event Standby to Reimburse Overtime Pay Utilized By Personnel to Cover the Event / \$533.75 (Community Services/Fire)**
 16. **Resolution No. 2010-151. A Resolution Requesting an Increase to the Fire Operations Fund (244) to Budget the Fire Department Standby Revenue for Personnel and Apparatus Resources Utilized on the Movie Production of Cowboys & Aliens / \$5,525 (Community Services/Fire)**

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17. **Resolution No. 2010-152. A Resolution Requesting an Operating Transfer From the Fire Operations Fund (244) to the Fire Protection Fund (209) / Chimayo and Madrid Fire Districts to Replace Funds Expended in Fiscal Year 2009 Utilizing the Fire Districts State Fire Fund Allocation That as a Result of a Recent Audit Were Determined to Be Out of Compliance with Article 53, the Fire Protection Fund / \$1,236.85 (Community Services/Fire)**
18. **Resolution No. 2010-153. A Resolution Requesting an Increase to the Fire Operations Fund (244) to Carry Forward Previously Budgeted Title III Special Appropriation Money to Be Utilized in Fiscal Year 2011 for the Wildland Urban Interface Temporary Employees Salaries and Benefits / \$6,894 (Community Services/Fire)**
19. **Resolution No. 2010-154. A Resolution Requesting an Increase to the Fire Protection Fund (216) to Budget the Available Agua Fria Fire District EZ Impact Fee Revenue to be Utilized for Contractual Services to Hire a Construction Manager for the La Tierra Station Remodel/Construction / \$25,000. (Community Services/Fire)**
20. **Resolution No. 2010-155. A Resolution Requesting an Increase to the Fire Operations Fund (244) to Budget a CFRP Federal Grant in the Amount of \$342,514 (Community Services/Fire)**

VIII. APPROVAL OF MINUTES

A. Approval of July 27, 2010 BCC Minutes

COMMISSIONER ANAYA: So moved.

CHAIRMAN MONTOYA: Motion by Commissioner Anaya.

COMMISSIONER HOLIAN: Second.

CHAIRMAN MONTOYA: Second by Commissioner Holian. Any discussion?

The motion passed by unanimous [4-0] voice vote.

IX. SPECIAL PRESENTATIONS

A. Presentation by Sheriff Greg Solano to Martin Rivera, Sheriff Deputy III 21 Years and 8 Months of Dedicated Service to Santa Fe County

GREG SOLANO (County Sheriff): The first one is Martin Rivera. He's been with the Sheriff's Office for 22 years and just recently retired with 21 years and 8 months. Martin couldn't make it today but during the eight years that I've been Sheriff he served admirably during those eight years. He was part of our Investigations Division and handled

several homicides and high profile cases and always made Santa Fe County look proud, so even though he's not here I want to taken this moment to thank him for his years of service and congratulate him on his retirement.

CHAIRMAN MONTOYA: Okay. Thank you, Sheriff.

IX. B. Presentation by Sheriff Greg Solano to Ernest Borrego, Sheriff Sergeant 15 Years and 9 Months of Dedicated Service to Santa Fe County

SHERIFF SOLANO: Ernest Borrego also just retired from the Santa Fe County Sheriff's Office. Spent 15 years and 9 months of his 21 or 22 years, I think of law enforcement with the Sheriff's Office. Ernest was one of our commanders in the Patrol Division and was somebody that I relied on on a day-to-day basis to keep things going well out in the streets, make sure that the patrol officers did everything they needed to do and make sure the public served in a timely manner. He excelled at this job. We're going to miss him at the Sheriff's Office. I really appreciate his dedication. I want to thank his family for putting up with his job. It's not easy being a law enforcement officer. You miss a lot of birthdays, a lot of time that you should be home. You're often called out and have to work late on shifts. Ernest never said no and always did a great job. I really appreciate it and congratulations on your retirement. Would you like to say a few words?

ERNEST BORREGO: Thank you, Sheriff. Thank you, Commissioners. I just wanted to thank the entire Sheriff's Department, the personnel, dispatchers, command staff, subordinates for everything they've done. It's been a wonderful career and it's been great. It's just like the Sheriff said, it's a thankless job but in the end it's well worth it and you have to miss a lot of family time, holidays, weekends, and now I get to enjoy it with my family. It's been an honor and a pleasure just to serve the citizens of the county and the people of the state. And I love being retired; it's great. Thanks.

IX. C. Presentation by Sheriff Greg Solano for Ben Encinias, 21 Years of Dedicated Service to Santa Fe County/Retirement

SHERIFF SOLANO: Ben is finishing up 21 years of dedicated service to Santa Fe County. He has been a commander within our Patrol Division and he's not going to like me saying this but he reminds me a lot of me. He's a union president. The years I spent as union president, I know that it's very tough. It's hard to please everyone on both sides and all the different people that come to you with issues when you're union president. There were times that we had huge discussion and there were times that things worked really well, but in the end I can tell you that he was a strong union president and did an excellent job for his union members and did an excellent job for the community as a law enforcement officer and as a commander in the field overseeing many, many deputies at one time and overseeing a lot of heated situations and I could always rely on him. I'm going to miss him because he did an excellent job and I hope the future union president, who's sitting here does as good a job as well. So thank you for all your service and congratulations on your retirement.

BEN ENCINIAS: Thank you, Commissioners, I'd just like to thank the community of Santa Fe for letting me serve under them and I appreciate my fellow officers and friends and everybody who's been there for me. I appreciate them. And thank everybody. Thank you.

CHAIRMAN MONTOYA: Thank you. Congratulations.

XI. D. Recognition of Santa Fe County Sheriff Deputies Brian Brandle II and Ronaldo Ulibarri for Graduating From the New Mexico Law Enforcement Academy August 27, 2010 (Commissioner Anaya)

COMMISSIONER ANAYA: I'll go ahead and let the Sheriff say a few words and then I'll say a few after that.

CHAIRMAN MONTOYA: Okay.

SHERIFF SOLANO: When I went to the Police Academy it was ten weeks, way back in the day. I wasn't quite there where we rode horses to work but close. And it was ten weeks. Now the academy is 22 weeks of rigorous training, where you go live at the academy for the entire time and it's a long, arduous process. The legislature has added so many new laws that these people have to learn and I just want to congratulate them on going through that process. And once again thank their families who were without them for 22 weeks while they did this work.

They graduated and did a great job. I understand there were a couple of staff sergeants here as well, so during the academy they were honored by being leaders in the academy, so congratulations and I look forward to your retirement in 21 years.

COMMISSIONER ANAYA: Thank you, Sheriff. I want to thank you for inviting me to the graduation ceremony where these two young individuals were at, and I learned a lot there because I didn't realize that all of the people that graduated were from around the state. I thought that was really nice. But when I was sitting there and seeing you guys get your certificates of graduating from the academy I thought that we should bring you all forward so that we could see our new deputies coming in and see our old deputies going out.

CHAIRMAN MONTOYA: Not so old.

COMMISSIONER ANAYA: They look just as young as these guys. They're going to go get another job. But I just wanted to bring you all to the Commission so that we could get a good look at you and thank you for what you do and eventually you'll be in the shoes of retirement but you don't need to worry about that. Right now you've got a lot of work to do. But I learned a lot at that graduation ceremony and I thank you guys for going through those 21 weeks. I bet it was grueling and I heard they sprayed you with some Mace and you guys were the only ones that didn't cry. But I don't think we have any certificate to give you; we'll wait to give you that at retirement age. But I just wanted to recognize you and thank you guys for what you did and follow these three gentlemen that are leaving.

Sheriff, I know you've got three leaving and two coming in. Is the math wrong there? Well, I'll need a job after December. But anyway, Mr. Chair, Commissioners, these are our two new deputies and thank you all very much.

CHAIRMAN MONTOYA: Okay. Before we move on I'd like to recognize the class from Tierra Encantada Charter School. Would you all please stand and let us thank you for being here this morning. Appreciate your being here. Robert, you're the teacher? Thank you for bringing your class here.

COMMISSIONER VIGIL: Is this a civics class, Mr. Chair?

CHAIRMAN MONTOYA: Science.

COMMISSIONER VIGIL: Science and civics.

DR. SWEENEY: Hi, I'm Dr. Sweeney, the director. They've asked me to come up and say a few words if I may. Thank you for recognizing us and recognizing our students this morning. We're an expeditionary learning charter high school. To be a charter you have to have two purposes or a purpose. We have two. One is expeditionary learning. It's inquiry-based learning. What our students do are field practices, field experts, have experts come in. I'm proud to say we're one of the only two schools that are high schools required to put AYP, that we made AYP in reading as our second dual language high school. Our students will become functionally proficient in English and Spanish by the time they graduate our high school. So with the product that we're producing now as a high school we're actually doing a study, a curriculum for Cerrillos Hill with the mining as it progressed from our Native American peoples through Spain, through Mexico, and now of course the United States. But I would like to recognize so much our hard working staff. If you would kind of give them a hand. And also the students, because they go to school 45 minutes a day longer than any other high school. We start before the other schools and we finish after the other schools. So there's quite a bit of work being done, but we do things that have a product. They produce something. It's not just here's a book - take it. It's here it is - discover it, explore it, expand. And that's what Tierra Encantada Charter High School is all about.

CHAIRMAN MONTOYA: Thank you.

DR. SWEENEY: My science teacher is Mr. Trevizo. Can he come up and say a word.

MR. TREVIZO: Muchas gracias.

DR. SWEENEY: Thank you.

CHAIRMAN MONTOYA: Commissioner Vigil.

COMMISSIONER VIGIL: Yo quiero decir que a los estudiantes que buena suerte que tienen la oportunidad a ir a una escuela que enseña en inglés y en español. Me da orgullo mucho orgullo que llegaron hoy y espero que cuando acaben la escuela van a ser definitos bilingües. Qué les vayan muy bien. Gracias.

CHAIRMAN MONTOYA: Thank you, Commissioner Vigil. I understand that you are here for a specific item on the agenda, right? On the water? Okay. Good. Thank you again for being here.

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IX. D. Presentation by Pego Guerrerortiz and Penny Ellis-Green for Douglas Sayre, 21 Years of Dedicated Service to Santa Fe County/Retirement

MS. ELLIS-GREEN: Thank you, Commissioners. I'm pleased to be able to present a certificate to Doug Sayre on his retirement. Doug has actually been with the County for 12 years, not the 21 listed on the agenda, though it may have felt like 21 years to him. He began working on contract with the County Water Company before he became the Water and Wastewater Division Director in 1998. In 1999 we only had 150 customers and Doug has helped the system grow to more than 1700 customers now. Doug knows the County water system better than anyone. He designed phase 1 of the system and was responsible for all the engineering since its inception. So he knows where the lines are located, their sizes and where every hydrant is located.

Doug has attended every Buckman Direct Diversion meeting from the planning stages, through design into construction. He has assisted in locating, evaluating and transferring County water rights for the utility. Doug takes with him a wealth of knowledge about the system. To Millie and all who work with him he was knowledgeable, generous, kind and very patient. Doug has been a great asset to the utility division and will be greatly missed. Thank you.

CHAIRMAN MONTOYA: Thank you, Penny. Congratulations, Doug.

DOUG SAYRE: Could I say a few words?

CHAIRMAN MONTOYA: Sure.

MR. SAYRE: Mr. Chair, Commissioners and staff, it is only 12 years. I would have liked to have gotten the benefit of 21 years but it was only 12, but there was that previous time that I did a lot of consulting for the County and working on the water system design and bringing it to fruition where we finally got it available to the customers of the county. It's interesting, as Penny brought up, I think when we started out we only had six water customers when we actually started the system, that were actually taking water. And Millie tells me today that we have 1750 customers. And also that we were able to acquire a wastewater system and we have approximately 324 I think sewer customers.

Certainly, over the years it's been a benefit to me, worked with a lot of good Commissioners, good Commissions, staff and people like that. We had all those good County Managers from Sam Montoya, up through Estevan Lopez, Gerald Gonzales and Roman Abeyta that helped get things accomplished. That's always been something that I admired that we were able to do, because it takes a lot of effort to get things done as you know, and it's wonderful to see that the County's been able to grow through years, from 1998 up to now and I see on the horizon a lot more customers possibility which certainly would help benefit the County and especially the utility department, about how it functions and be able to work well as a municipal utility. Hopefully it's going to continue to serve not only the current south area and probably – I call it the west area, but also way to the south, Cañoncito, Eldorado, possibly Galisteo or any other entities that need safe water that almost all of them do because what we're finding is a lot of problems with the quality of water now, not so much with the quantity but the quality of water.

The Buckman system is going to be a big benefit when it comes on line and as you know, I can remember in 2000 when we started on the EA on that, and the EIS. So it's been a long time getting that to come to where we're going to have the benefit of it, and I hope in April this next year we'll get water from that to serve the county customers. But I certainly want to say the staff that I've worked with over the years, especially the current staff, with Millie Valdivia, and Nicole have been of great benefit to me to get where I could accomplish things. Without good staff you don't really accomplish things. I was glad to see that the County hired Patricio Guerrerortiz as the Utility Director and he will be a great benefit to you to help this continue in the future. But I thank you for the years and the time it took to get where we are. Appreciate it.

CHAIRMAN MONTOYA: Commissioner Holian.

COMMISSIONER HOLIAN: Mr. Chair, I would like to personally thank you for your years of service, and I know that you haven't only worked on the utility systems. You've also worked with people in the community. I know how many of your evenings that you spent in Glorieta helping the three mutual domestics there who all have water supply challenges to come up with a solution for how they might move forward. And I know it was your suggestion that they create a common entity so that they would have a better chance of apply for grants and I believe that they did get a grant to study how they're going forward, and that success was really attributable to you.

So I thank you for your patience, your hard work and your persistence in finding solutions and I know a lot of other people in Santa Fe County do as well. So, thank you and I wish you good luck in the future.

MR. SAYRE: Thank you, Commissioner.

PEGO GUERRERORTIZ (Utility Director): Mr. Chair, Commissioners, I just wanted to add one thing to this. Having known Doug Sayre for a long time, having worked with him as an engineer or in the capacity of an engineer as my colleague I also know the community of Santa Fe will continue to have, I hope, for many years the benefit of having a qualified engineer, a person with his knowledge, his abilities and with his love for this county, who is going to dedicate the rest of his professional life to do the work that is required around here on the private sector at this time, but still available to us, I hope, Doug, under contract and otherwise to be able to continue to benefit from his presence. Thank you.

CHAIRMAN MONTOYA: Okay. Thank you, Pego.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN MONTOYA: Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, I'd like to personally thank Doug for all the work that he did for Santa Fe County and for all the people that he helped in Santa Fe County, because that's why we're really here is to help people. Doug, thank you.

CHAIRMAN MONTOYA: Thank you, Doug.

IX. E. Recognition of Valery Henderson for Her Service on the Santa Fe County Health Policy and Planning Commission (Commissioners Vigil and Stefanics)

COMMISSIONER VIGIL: Thank you, Mr. Chair. I just want to preface a little bit of comments. Our Health Policy and Planning Commission chair is here, Larry Martinez, who can reference all the benefit that this appointee had to the Health Policy and Planning Commission and to the Board of County Commission. I've known Valery since she became a commissioner with the Health Policy and Planning Commission. She is, I think it's fair to say, is one of the founding members of it as she came in just as the resolution had been adopted by the Board of County Commission. Her expertise and her background in health was impeccable and continues to be. I'm sorry to see that she's going to be leaving and she deserves as much recognition as we possibly can give her, the benefit that she provides to the commission and to the Board of County Commission is really unmatched, I would say, Valery. So with that, Mr. Chair, I will turn it over to Larry Martinez.

LARRY MARTINEZ: Thank you, Commissioner Vigil and Mr. Chair, members of the Commission. It's my great honor and privilege to recognize Valery. As Commissioner Vigil said, she's one of the longest-lasting member of the Health Policy and Planning Commission, but one thing I'd like to say about her is she brought to us a real understanding of what public health is all about, and public health issues. I cannot recall any other commissioner who has contributed so greatly to promoting healthy lifestyles, healthy nutritional habits, and all the things that we are constantly espousing. And let me just say that Valery not only promoted those issues but she lived them, and we were the great beneficiaries because quite often she would show up with food that was healthy and it was also delicious and wonderful.

I want to recognize Valery for her untiring efforts and her great contributions to the improvement of health for the residents of Santa Fe County. And I also do want to recognize her District 2 Public Health Officer for whom she works who is here with us today and that's Susan Gonzales who is sitting back here and I'd just like for everyone to give Valery a great hand. I know it's a very small token of our appreciation for all her contributions but we are certainly going to miss her greatly on the Health Policy and Planning Commission.

VALERY HENDERSON: Thank you so much. I just want to say that I'm glad that I was able to participate in the conception of this Health Planning and Policy Commission from day one and I think that it was such a great coordinated effort with the County, with the City, with the Health office, with the hospital. We had so many partners and so many – everybody contributed to the team effort, and it wasn't just me. So I want to say that. I'm one member of the team and we really worked well together and I appreciate all the learning and the sharing. Thank you.

COMMISSIONER VIGIL: Thank you, Valery.

- IX. F. Presentation of U.S. Census 2010 Final Report, Pauline Nuñez, Partnership Coordinator, Denver Regional Census Center (Commissioner Vigil)**
- G. Recognition of Santa Fe Census 2010 Complete Count Committee (Commissioner Vigil)**

COMMISSIONER VIGIL: Thank you. The Board of County Commissioners, Mr. Chair, and members of the Commission, adopted Resolution 2009-09 creating a Complete Count Committee. Pauline Nuñez, through her leadership on the United States Census Committee really spearheaded this and engaged not only this county but other counties and cities throughout the state, knowing that the connection with local government and a complete count was a necessary component of trying to get a complete count. Pauline is here to do some presentation and I am hoping, Pauline, that the wonderful people who served on this Complete Count Committee who we'll be recognizing here shortly, and the benefit that they brought to this created a larger benefit for Santa Fe County. I hope that's what you're here to report. I turn it over to you.

PAULINE NUÑEZ: Thank you. Mr. Chair and Commissioners and staff and members of the audience, I also, continuing this morning, part of our national effort of the census to thank local governments, community members, for participating in Census 2010. So I'm kind of continuing what you're doing this morning as far as thanking people for service. But I wanted to just give a few overall details of how the census went here in New Mexico and nationwide as well as where we are right now and what's to come with the data, which is really why we worked so hard to get funding and looking at redistricting coming 2011.

So the magnitude of 2010 Census, this is nationwide. Just to have an appreciation, an oh-wow factor, is we counted – we had to count 309 million people. And we always look at a caseload, and so our caseload was 134 million housing units. Because not only do we count people, but we count them where they live most of the time. And that's real important because of the one person/one vote, and we'll talk about that later. We had 236,000 quarters counted, which were you college dormitories, your prisons, 3.8 million people recruited in 2009 and 2010. We opened up 494 local census offices, 255,000+ partner organizations, and we had 10,250 Complete Count campaigns. And this was also \$400 billion-plus in federal funds distributed. What that means is what our data will help to distribute.

I also wanted to report that last week our director Groves reported in DC that this census, we saved \$1.6 billion. We were under budget. And the reason that that occurred is because a) unfortunately because of the economy we were able to hire incredible people across the country, including New Mexico. We also did not have any major catastrophes during the census this time. And then the other thing was that we had a shorter census. We only had the short form census which was ten questions. So those three factors really helped us save \$1.6 billion of taxpayer money.

So the 2010 Census in New Mexico, we had to count two million and some people. We had 875,000 housing units, and during our peak time we hired 3,000 New Mexicans. We opened three local census offices and at this point in time they were in Santa Fe, Las Cruces and

in Albuquerque. And we are now in the down-sizing mode and we will be closing them by the end of September, just so you all know. We established, including the Santa Fe Complete Count Committee, 1,314 partnerships and 61 Complete Count campaigns were done throughout the state. And New Mexico had \$3.8+ billion in federal assistance. So you see what was at stake for the census, how much money we get as a state, and it's all gauged on census data.

The key dates for the census, of course we launched our advertising in January – I don't know if any of you saw the Today Show but we launched it there. We had all kinds of road tours. In fact some of the Commissioners participated in our road tour in March here in Santa Fe. We mailed out the questionnaire in March. We had Census Day on April 1st, and what's really important is that many people got confused. They thought that after April 1st that the census was finished. But indeed we went out on May 1st and we did non-response follow-up and even I think the *New Mexican* published a picture of a census worker up in the mountains with the snowshoes on. And that's the effort it takes to count every New Mexican throughout. And if you can think of the colonias in Las Cruces and all over our great state, we have a lot of geography to cover.

We had challenges as well and right now what we're – we basically, as of August 6th we have stopped going to visit homes of those residents who did not return forms. So that's done. What we're in right now is what we call CCM, census coverage measurement, which we're determining if we counted people in housing units at the correct location and results of this operation will measure potential undercount rates. So right now we're really in a quality control, quality check type of mode.

The type of enumeration, we had three types. Most of the United States Census is done by mail out/mail back. We mail you the questionnaire and hopefully people will mail it back. We also do update/leave, which is leaving the questionnaire at a person who does not have a P.O. Box or a rural area without a street name, and then we do one percent update/enumerate. This was 99 percent – one percent throughout the country. In New Mexico, how we counted New Mexicans was we had 65.5 percent of mail out-mail back. So those are mostly in our major areas as far as Albuquerque, Santa Fe, Las Cruces. 26.6 were update-leave, and seven percent were update-enumerate. Update/enumerate is when we actually go door to door without any mailing, and that is done in tribal land. And we agreed in 2008 with tribal leaders of how they were going to be counted.

So the challenge of New Mexico is that as far as geographic area, for update/leave we had 77.4 percent was update leave. So we had a huge area that we had to cover and leave the questionnaire there. We only had 1.7 percent of mail out/mail back, which is basically in our urban, our city areas, municipalities. And then update/enumerate was 15.8, and that covers the tribal areas. So that's a kind of enumeration. We don't just do mail-outs; we do door to door, and of course the update/enumerate was these two months and we actually have to go six times to a person's residence. But we had a lot of cooperation from the tribal leaders in this census.

There was a lot of milestones that happened in this census. One was the participation rate feedback program, which meant that starting in March County leaders, community leaders throughout could log on to 2010 census and measure by census tract how well the community was doing. And throughout the county, and I know in the Denver region, day by day I got emails as to how New Mexico and my states were doing, because I also cover Nevada as well

as Arizona. And this was a real important part of the census this time. The nation overall did a 72 percent participation rate. New Mexico was 63. What that means is that of the questionnaires that were mailed, 63 percent of the questionnaires were returned by mail. That's the same as in the nation. It does not mean that only 63 percent of New Mexicans were counted. I actually had county officials in another county that were quoted in the newspaper that said, oh, oh my God. Only 63 percent were counted; that is not true. We went out May 1st and we went door to door.

Because we have to count and do whatever we can to count the population of our country. So if this is the first time that that happened, in Albuquerque I can tell you that there were some census tracts that were not participating and actually a community organizing group went door to door, and their participation rates increased. So there was a lot of movement of that because people monitoring the participation rate, and this is the technology and in 2010 it will even be more sophisticated.

Of course as community leaders, county officials, you know why it matters. First of all, political power and we have a once a decade census of the US as from the constitution for reapportionment purposes. And the state legislative redistricting is also impacted by census data. Of course economic advocacy and community development power and funding power is all based on census data.

CHAIRMAN MONTROYA: Pauline, if I could just interject for the students. That's why it's important in terms of why we're doing this and why we did this. And it impacts our future in the state and certainly in our community.

MS. NUÑEZ: A lot of people have been asking me, okay, so how did we do? Well, first of all, the first release, the state population counts will be delivered to President Obama for reapportionment on December 31st. We have to get it to the president by that time. Between February and March 2011 we have to get to the states the population counts for race, Hispanic ethnicity and housing unit counts available for redistricting. And I'll tell you, I recently saw an article in Roswell where state leaders are already getting together in Roswell, talking about redistricting. And I was trying to do a scan of anybody else to kind of bring it to you today. And I haven't seen anything yet, but you will see it. I've been seeing news clippings throughout the country about people getting ready, gearing up for redistricting.

So probably because of New Mexico being the state legislature meets in January we will probably be one of the first states to get the data. And I know the City of Albuquerque has asked me that because they have public financing. So we start flowing it out by region – ours is Denver – in February and it has to be completed by March 31st. And the reason, just for also the students, that we also look at Hispanic ethnicity and housing, as of the public law in 1975 where we have to work with states to give them data as to how they will use it and also for the Voting Rights Act. We have to have data and it goes to the governor of course, and whoever's the sitting governor, and so the November election is very important because whoever's that sitting governor, whoever's at the state legislature will determine the political future of our state for the next ten years. So it's really important in that respect.

It also goes to both parties and to the legislative council services. You all probably know that but for the public I will say that.

And then starting in May 2011 we will start letting out demographic profiles. And then how we deliver the redistricting data, this is decided on between 2000 and 2010 is we give it to

each state on a flow basis, New Mexico will be one of the first states, and then this is our first release of official population counts and then it talks about what we give to each of the states and to, like the governor's office, and I didn't mention, the Secretary of State.

The next slide shows the American Community Survey. In 2000 we had the long form, which in this census we did not, because it evolved through the American Community Survey. And why it's important to you all is that we started in 2005. It is the largest survey that the United States does, and it is a key component of 2010 because what we produce is characteristics. We don't do the population count. And so it has more current information and we do it on an annual basis, and we have survey staff in Denver as well as throughout the ten-state region that actually takes survey of the population. And this is what your county development and economic development groups as well as non-profits, as well as the tribes look at. They look at – and also a lot of federal grants, it's becoming more complex. And so they look at the American Community Survey. So it's like a partner. We have a survey and we have the population count. And we do estimates every year of the population and we just let out in June the population estimates.

But the most important thing for you all to know as county leaders is that we do a population count and we do American Community Survey, and that happens on an annual basis. Okay, and the next slide shows what kind of statistics or characteristics that we gather. We gather education, marital status, benefits, own/rent, occupancy, so all of this gives you a snapshot of what your community looks like, and you want to know what that is.

And I just want to give an example. I met with Eastern New Mexico president recently to thank them for their participation and he was wanting to target the seniors because they want voting for the university bonds. And so census data can help him do that. Learn what it is, learn where the seniors live, and also what do they look like? Are they grandparents? Are they taking care of kids or what have you?

The part of the data service program which I'm a part of is you all were partners of 2010. And we wanted to make sure that you all know that we continue to serve the community, and we will be having workshops in the Santa Fe area on the data starting in 2011. We really want to reach out not only to local governments but to non-profit organizations so they can learn how to use the data to make sure that we get all the resources we need to New Mexico. So we have a brochure in the folder that I gave you. That's the number there. Also, as Commissioners, if you need – if you have a data request, if your staff needs help, we are always there to help. We do data requests on a daily basis. So keep that in mind, because the Denver region is there to serve you.

And finally, we wanted to say thank you again as part of the national campaign and regional campaign. We are going throughout the ten-state region thanking partners like yourself. Quite frankly, we learned in 2000, we could not do the census successfully without the help of local media, radio was fantastic. A lot of community radio. Volunteers like who you had on the Complete Count Committee, church members, non-profits, all gave New Mexico the best chance ever to get a good county. And so we wanted to thank first of all Santa Fe County Complete Count Committee, and I have a certificate. I'll read this one and then the rest you'll know what we have. We wanted to say that the United States Census 2010, we want to thank you for helping to paint the new portrait of America. The US Census Bureau hereby recognizes

the County of Santa Fe as a valued partner and offers appreciation for your support in raising awareness of and inspiring participation in the 2010 Census. Your efforts to help achieve a complete and accurate census count has made a lasting impact on the nation and of course on New Mexico. And it is signed by Dr. Robert Groves, our director of the US Census Bureau. So you also have a letter and I believe it was Commissioner Vigil who was going to accept this. You also have a letter in here from Cathy Lacy who is our regional director. And there's also certificates after but I'm just doing the ones on census. And I also have pens for each of the Commissioners for being there.

And then I have the City of Santa Fe was also participating in the Complete Count Committee. I believe Terrie Rodriguez is here. Again, we recognize the City of Santa Fe, and Terrie was a godsend and she did above and beyond the line of duty. Thank you very much.

Another partner in the Complete Count Committee was the Santa Fe Public Schools. Amy Summa is here to accept this for the Santa Fe Independent School District. Superintendents were incredible throughout the state and yours also – we really appreciate the schools because it is through the children and through young people to get their parents motivated. We relied a lot and they participated in the census in schools. Thank you so much.

And then finally, one of our faith-based partners. They also included the census in the fiesta. One of their deacons, Deacon Trujillo was very instrumental, and I understand he's moved on but we have Father Tree from Our Lady of Guadalupe, archdiocese of Santa Fe. We also wanted to thank Our Lady of Guadalupe Church as part of the Santa Fe Complete Count Committee for participating and helping to help Santa Fe County. Thank you all. Do you have any questions.

COMMISSIONER VIGIL: Thank you. Yes, Pauline, I do. When I knew that Our Lady of Guadalupe Church, Amy and Terrie were going to be a part of this committee I knew we were headed towards the right direction. It is through our faith community, through our public schools and through the City of Santa Fe that this partnership became very solidified in going forth with the complete census. We have a lot of people to recognize that were a part of this committee, and I'd like to present certificates to them and ask them to come up, because once we've presented the certificates we'd also like to take a complete picture.

So beginning with staff, I'd like to recognize Hvtce Miller, Hvtce, would you come forward? Thank you, Hvtce. And Deacon Anthony Trujillo, is he here? Please stand by, Terrie. Not knowing who's here and who's not I'm going to go ahead and hand out certificates.

The following members of the Complete Count Committee received certificates of appreciation: Hvtce Miller, Deacon Anthony Trujillo, Connie Salazar, Jody Larson, Patsy Romero, Mariano Tixier, David Harwell, Todd Johansen, Patricia Lee Mort Padilla, Kristine Bustos Mihelcic, Susan Odiseos, Terrie Rodriguez, Amy Summa, Deborah Tang, and Rita Maes.

COMMISSIONER VIGIL: Like all of you who are here today who don't question the commitment that they make to a cause such as this I do believe that once we do get the numbers back we're going to be very definitely surprised and I definitely have committed to the fact that it is because community members such as you have come forth and as I said earlier,

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stepped up to the plate to try to connect the dots to make this happen. Thank you. Thank you. Thank you. If you would please come up we'll take a picture of you as a whole and we're going to post you on the US Census Bureau.

Mr. Chair, as we're settling down.

CHAIRMAN MONTOYA: Commissioner Vigil.

COMMISSIONER VIGIL: There was not a certificate of appreciation but there should have been and she probably overlooked it for herself. Rita Maes needs to be recognized. Rita was the principal connector to make this Complete Count Committee happen and she always sort of stands on the sidelines, never wanting to be recognized. Rita, this would not have happened without you. Thank you so very much.

X. MATTERS OF PUBLIC CONCERN –NON-ACTION ITEMS

None were presented.

XI. F. Lovelace Health Insurance and CHRISTUS St. Vincent's Regional Medical Center Agreement. (Commissioner Anaya)

COMMISSIONER ANAYA: Thank you, Mr. Chair. This Lovelace health insurance and CHRISTUS St. Vincent Regional Medical Center agreement, the reason I brought this up is because I know this agreement, if it doesn't become an agreement, it makes it difficult for County people, state people, including myself, to get healthcare here in Santa Fe in the community where I belong. So I was talking to my wife and she brought this up to me and said that if we need to get healthcare we have to drive to Albuquerque. So I said, well, does that mean to everybody else. And she said, well, everybody else has to drive to Albuquerque to get healthcare here. So I put this on the agenda. Maybe we can get some answers from Alex, the CEO from St. Vincent CHRISTUS and kind of give us an update on what's actually happening.

ALEZ VALDEZ: Thank you, Mr. Chair and members of the Santa Fe County Commission for inviting me to come and speak on this topic. I do have one handout for each of you and I'd like to give Penny a copy of the handout if I may. [A copy of the exhibit was not made available for the record.] And thank you. I apologize for you having to change your calendar but I have to be in Albuquerque by 1:30 to meet with the Secretary of the Human Services Department regarding further revenue cuts, so that's just the type of times that we're in.

Let me start off by saying first of all that unfortunately this is a discussion between CHRISTUS St. Vincent and Ardent Lovelace around revenue reductions. That's where the focus of this discussion is, around cuts to our revenues coming to us from Lovelace. And to give you history here, to understand what led us to termination, the conversation started in about April of 2009, and it pertained to a matter of an overpayment that Lovelace was claiming. To short-circuit everything I'm going to move to December of 2009 when, because

of the Human Services Department, Lovelace unilaterally cut their revenues to us and to date have withheld approximately \$950,000 in Medicaid reimbursements.

Because of that unilateral act in December we said we need to go back to the table and negotiate a contract with Lovelace, so we have attempted to enter into negotiations with Lovelace. Because of a complete lack of movement over 90 days ago we gave Lovelace a notice of termination. And it's during that period when you really get focused and you get your negotiation done whenever you receive a notice of termination. To take us up to two Fridays ago, to move up the timeframe, I contacted the IVAC and informed the IVAC that there had been no movement at all pertaining to negotiations and there was no other option that we had but to terminate that Friday, and I asked the IVAC to please contact Lovelace and I said if you can get any type of meaningful material movement going in these negotiations, that will enable me to pull back on our notice of termination and grant more time for negotiations.

For all intents and purposes we had been negotiating against ourselves and we did so that Friday evening by submitting another proposal to Lovelace about 5:30. About 8:00 that evening we get a response to our proposal and the response was, no. There was no other discussion, no other debate, just a no. So we literally had no other choice but to terminate.

Now, Ardent Lovelace has a responsibility to their members to inform them of changes to plan 30 days before the termination occurs. Ardent Lovelace had not informed anyone, and that is a contractual relationship that Ardent Lovelace has. And that's why the entire community was caught cold in terms of the termination from one instance to the next. We quickly said, folks, you need to get to the table. Let's get to the table. So last Thursday in Albuquerque I had my team there prepared to negotiate and I had the decision makers at the table. They were authorized by me to make decisions. When we started negotiations last Thursday we asked, Ardent Lovelace, are you prepared to make decisions? Our people were told that Ardent Lovelace had people at the table that were ready to make decisions. We negotiated all day Thursday and by Thursday evening we thought we had agreement with Lovelace on all the financial aspects of this contract negotiation as to the impact on commercial rates, as to the impact on Medicaid rates, and as to the impact on Medicare rates. And let me say that this is not so much an issue of commercial insurance or Medicaid, because we're going to take some cuts in Medicaid and we realize that. This is an issue revolving around the senior plan for Medicare and the desire by Ardent to move us from 140 percent of reimbursement down to 103 percent of reimbursement, meaning a \$9.9 million cut over the course of the next three years.

So what we did was, Thursday evening, believing we had reached agreement on financials, great. By 9:00 Thursday night Ardent started to pull back. By Friday morning we did not have agreement with them. I'm hopeful that we can go back to the table tomorrow. I'm hopeful that they this time have people who can make decisions on this health plan, because we do not want to terminate. At the same time, with \$20 million in revenue reductions from 08 to this current fiscal year we cannot afford to take an additional \$10 million in revenue cuts over the next three years.

The packet that I've handed out to you hopes to address some of the aspects we have heard about in the press. First of all, the first series of slides show a reduction by

CHRISTUS St. Vincent in its own expense reduction over the course of the last two years. On the third page of this document you see that we have taken out of our system through expense reduction approximately \$14.1 million. So if we are criticized by saying that we have very high expenses as an organization I will be the first one to say that we have done, I believe, a very good job of managing our expenses the last two years, particularly because of this affiliation with CHRISTUS health, and we've taken out over \$14 million.

If you go to the next several pages, these are some clinical indicators and what you see there is that we are not reducing our expenses at the expense of our clinical quality. If anything, our clinical quality is improving in terms of these four core measures – heart attack, heart failure, pneumonia, and surgical care. On the second page of the clinical indicators you see that our expected rate nationally based on the demographics of our patients, we should have an expected rate of mortality of 5.12 percent. Instead, our mortality rate is at 3.59 percent. We are beating the data indicators based on our demographics. This is to show you that as a result of – that while we are managing ourselves better from an expense perspective we are not compromising the clinical quality that we're providing and if anything our clinical quality indicators are moving in the right direction.

The next page, capital dollars spent, shows the type of investment we made in this last fiscal year, FY10, in terms of capital expenditures. \$18 million invested in our community. \$18 million invested in improving the capital investment to deliver the quality of service that we need to deliver. That third item from the bottom on smart pumps at \$1.8 million, that is technology that you seldom find in any hospital in this country today that helps you in the delivery of pain medications and other medications to your patients so that you are improving the clinical quality delivered. That's an \$18 million expenditure in one fiscal year.

The next page lists all of the physicians hired by CHRISTUS St. Vincent in 2009 and 2010. You have five physicians that were hired in 2009. You have 29 physicians hired in 2010. We are asked what do you do with the revenue that you receive? We are asked what do you do with sole community provider funding? This is the type of investment we are making back in our community to deliver care. Physicians being recruited for this current fiscal year. I didn't count the number but it's about 12, to show continued growth in trying to build capacity to deliver service to our community.

Employed physicians. This lists all of the employed physicians in mid-level that we have brought on board as a community hospital and as a system of care. The number is 80 that we now have employed to deliver care to our community. You then have a list of 17 different locations for delivery of care throughout our community. What we are attempting to do as a healthcare system for our community is manage our expenses and I believe we are doing a very good job of managing our expenses. Grow to meet the demand of our community, and I believe we are doing a very good job in growing. And three, trying to manage the revenue reductions that are coming at us from the health plans, from Medicare, from sole community provider, from every other payment source. It is that combination of activity and Ardent's desire to cut us by \$10 million over the course of the next three years that caused us to have to terminate that contract.

I'm very comfortable in saying publicly to Ardent, live up to the negotiations that you did last Thursday. We're willing to sign what we negotiated last Thursday. That is good for

our community. It will enable us to be able to continue to deliver service, and lastly, to all of the Lovelace members in our region, I know how frustrating this is for you. I know how challenging it is for you. But I hope our presentation today enables you to see the complexity of the environment we're living in and how best we're trying to manage it. Thank you, Mr. Chair and members of the Commission. I'm happy to answer any questions you may have.

CHAIRMAN MONTTOYA: Okay. Thank you, Alex, for that presentation and information. Commissioner Anaya.

COMMISSIONER ANAYA: Thank you, Mr. Chair. Alex, thank you for coming and explaining the situation and hopefully you can come to some sort of agreement so that we can help out our constituents and people around here that are on Lovelace. Is there anything else that you could ask from us? Could the Health Policy and Planning Commission get involved and help us?

MR. VALDEZ: No, Mr. Chair. I hope that we can get back to the table quickly, because we know how disruptive this is for the community. If the County Commission or you as an individual wanted to call up Ardent and tell them to honor the negotiation from last Thursday I would appreciate it.

COMMISSIONER ANAYA: Okay.

MR. VALDEZ: Thank you, Mr. Chair.

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

CHAIRMAN MONTTOYA: Thanks again, Alex. Okay, what are the wishes of the Commission? Would you like to break or do maybe one or two more?

COMMISSIONER VIGIL: I was just wondering what the students were here for.

COMMISSIONER HOLIAN: Mr. Chair, I think the students are here for a much later item, about the water conservation plan. I think the National Preparedness will take a little while, but I should ask Chief Vigil if you would be willing to come back after lunch or would you rather do it now?

CHAIRMAN MONTTOYA: After lunch? You'll come back after lunch? Okay. So what time? Two o'clock? So we'll reconvene at 2:00.

[The Commission recessed from 12:25 to 2:10.]

CHAIRMAN MONTTOYA: I'd like to call this meeting back to order. When we recessed we were on item XI. B, which is a resolution, but we've had a resolution to move up the item on the water, which is XIII. C. 1. That's the presentation of the Santa Fe County Water Conservation Plan. Commissioner Vigil.

COMMISSIONER VIGIL: In addition to that I believe we have a judicial complex presentation that should probably follow that.

CHAIRMAN MONTTOYA: Yes. Could you help me out with that?

COMMISSIONER VIGIL: I'm actually trying to locate it.

CHAIRMAN MONTTOYA: It's XIII. B. 3. So we will move that second, after the presentation of the Santa Fe County's Water Conservation Plan. So who is doing that? Laurie?

XIII. C. Growth Management

1. Presentation of the Santa Fe County Water Conservation Plan Meeting Requirements of the Bureau of Reclamation Conservation Innovation Funding Opportunity Grants Award Number No. 08-FG-40-2763

LAURIE TREVIZO (Water Resource Specialist): Good afternoon, Mr. Chair, Commissioners. I'm presenting on the Water Conservation Plan for the Water Conservation program, and I wanted just to follow up on some of the things regarding the Tierra Encantada Charter School. One of their expeditions this year, along with the Cerrillos Hills, is they're focusing on water. So that's their purpose for being here as well is that they wanted to have some water policy experience and get a taste of what local government is like.

So the purpose of the Water Conservation Plan is because I received a grant from the US Bureau of Reclamation. It was rewarded in 2008 and the US Bureau of Reclamation considers water conservation planning their highest priority. The plan is updated every two to four years and there was a working group created in response to this grant. So at this time we weren't required or mandated by the Bureau of Reclamation to write a Water Conservation Plan but the City of Santa Fe, which is a Reclamation Reform Act contractor is required, and since we receive our water at this time from them it's just a good faith effort as well as showing that we can manage our water resources.

As part of that working group I would like to go ahead and say thank you up front to several members of the public who participated and County staff as well. Arnold Valdez, Christy Green, Charlie Nylander, Ralph Dodson, Richard Jennings, ResourceWise partners Ronnie and Joanne Burke, and my grant manager from the Bureau of Reclamation, Joseph Alderete, as well as this plan couldn't have happened without a lot of County staff participation, and that included the Water and Wastewater Utilities, Planning, Land Use, also the County Extension Office as well, the IT, GIS, Economic Development, Open Space and Trails, Intergovernmental Coordinator, I really appreciate all of the help that other staff lent to this plan.

The intention of the plan is to meet the guidelines set forth by the Bureau of Reclamation and of course encourage long-term stewardship of our natural resources and participation among all of the diverse groups within the county, and we also want to have ways to expand our existing programs as well as develop future water conservation initiatives.

Throughout the plan we tried to focus on five primary goals, and that was conserve water, provide guidance on best water management practices, incorporate new technologies, incorporate low water use practices as well as protect our natural resources.

And the plan is organized – some of the requirements are mandated by the Bureau of Reclamation to be included. So those are geographic, climate, census data, which was kind of fortuitous with the census lady was here giving an update and I think it would be really helpful in the future to go ahead and get that data and include that in this plan as well. Some ecological as well as endangered species for both plants and animals, cultural and historic.

We outlined – the working group decided to outline the plan in a watershed style, so we looked at each watershed and focused on the water resources of each watershed. We focused on future water conservation activities. We also gave an overview of the County Water and Wastewater Utilities. We performed an American Waterworks Association audit and the utilities itself received an 82 out of 100, and that's very good for that standard. We also performed an Office of the State Engineer gallons per capital per day calculation, and right now those folks on the County utility are only using 63.5 gallons per capital per day.

We outlined the watersheds from north to south, and some of them we had to combine. And the ones that weren't included are on the very far left and right, which are the Upper Pecos and the Rio Grande, and those weren't included because most of those are in state and federal lands. So the data just wasn't available. In the future when we decide to update the plan as data becomes available we can include them.

So for each watershed we included a fact sheet, and it gives an idea of what's going on within that watershed and this one is the Galisteo Basin, obviously, and it has some climate data, soils, streams, vegetation, that type of a thing.

So we also did a basic overview of the water system, the water supply profile, where the service areas are, the rates, and also the wastewater service areas as well as future water strategies.

The plan activities for the future of the water conservation program, we put in activities that could be submitted to the Bureau of Reclamation in the future for grant funding or other entities for grant funding, and right now we call it a phased implementation schedule, but it's not really in chronological order. We sort of just categorized everything. So I'm thinking now that I might go back and change it to where it doesn't seem like a chronological schedule. And we also identified potential activities such as things we can do internally – creating partnerships, incentives, and other outreach programs. And this plan did help secure future funding, so I did receive another grant from the Bureau of Reclamation for an outreach activity for fourth and fifth graders, and part of that was because I submitted a draft of this plan to the Bureau of Reclamation. And that's all I have on it. So I'll stand for questions.

CHAIRMAN MONTOYA: Questions for staff? Commissioner Vigil, then Commissioner Holian.

COMMISSIONER VIGIL: Thank you, Laurie. Thank you so much for moving forward on this. And I may have missed it because I was looking at some other items here. We actually have enacted ordinances that promote water conservation. I'm thinking about our hot water recycle ordinance. I'm thinking about our catchment system. Those kinds of thing. Are those going to be incorporated into this conservation plan at some point. Question part one. Question part two is this is incredibly useful. How will we be able to incorporate this into our Sustainable Land Development Plan?

MS. TREVIZO: Okay. Mr. Chair, Commissioner Vigil, part one is yes, we incorporated all of the existing ordinances for water conservation as well as landscaping and some things that were in the current County code that had to deal with water and water conservation related activities. So those are included and those are in several appendices. Part two is yes, it does relate to the Sustainable Land Development Plan. If you look at all of the – I can't recall whether they're the priorities or strategies that are listed in the back of each

chapter. Some – we tried to take those five goals that were in the very front, like conserve water, and take those a next level. So in the Sustainable Land Development Plan it says conserve water but the Water Conservation Plan will hopefully tell us how to and where would be the best ways to spend our money and staff time and those types of things.

COMMISSIONER VIGIL: So will the plan actually be part of the draft in the Sustainable Land Development Plan? And will it be codified?

MS. TREVIZO: I think that what will happen – we were trying to time it to where this would be one of the deliverables from the Sustainable Land Development Plan. But because the grant expires soon and I need to get it to the Bureau of Reclamation, it had to move forward. So that was one of the issues is why you're seeing this presentation today rather than after the Sustainable Land Development Plan. And hopefully it gives an implementation or a how-to of the Sustainable Land Development Plan.

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

CHAIRMAN MONTROYA: Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. Well, thank you, Laurie. That is really an impressive plan and also I want to thank the Water Conservation Working Group. There are some really impressive people on that. All of them are very impressive. I know they're knowledgeable about the issue of water conservation. And thanks also to our staff. I know a lot of people worked on this in one way or another. And also I want to thank the Tierra Encantada Charter School class for being here. I like to have that sort of partnership of schools and so on.

I just would like to say – this is more a comment – that the Water Conservation Plan is not only important but it's really in line with our priorities. Just recently – I don't know if you all know but Santa Fe County did a survey – actually they contracted for a survey which was conducted by the Research and Polling, Inc. and the idea was to ask the people of the county as to what their priorities are. And we just recently got the preliminary top-line results. And so I thought I would just mention this because it's really apropos to this topic. On the question of what are the biggest issues or problems facing the residents of Santa Fe County at this time the number two unaided response was water shortage and water supply. That's the number two response and this is without any prompting whatsoever. Now, when people were prompted in essence, they were given a list of government services and programs provided by Santa Fe County, and for each one they asked how high of a priority should it be when Santa Fe County officials plan for the County's budget. So I think this is incredible, but 59 percent of the people – and this was far and away the largest – this was the number one issue – said water conservation programs should have the highest priority for the Santa Fe County budget. Can you believe that?

And then conversely, they asked sort of a negative question is what should you not consider cutting, and again, water conservation was number one and 80 percent of the people said that we should not consider cutting funding for water conservation. So I thought that would be good news for you. My question is can we get a copy?

MS. TREVIZO: Well, it's about 90 pages and I didn't want to overload the packet so I would be more than happy to go ahead and email you the drafts so that you guys can take a look at it. And yes, that's very good news. I'm glad to hear that the citizens of

Santa Fe County are interested and would like to see more water conservation activities and I think this gives them a way, an outlet by having a plan like this. And I think also, looking at the students and having them participate is a way that we can have our water resources managed in the future and in just this short morning session we had the Community College here as well. Four of the students from the high school have enrolled in some of the water conservation programs for the Community College and I think that those partnerships are really important in the future.

COMMISSIONER HOLIAN: Thank you, Laurie. And I'll have a couple of recommendations but I want to wait until after the next presentation by the Santa Fe Community College class about their water conservation project.

MS. TREVIZO: Thank you.

XI. MATTERS FROM THE COMMISSION

A. Presentation of Santa Fe Community College Sustainability Program ENV 215 Class, Water Resources Project Findings on the Santa Fe County Rainwater Harvesting Ordinance. (Commissioner Holian)

COMMISSIONER HOLIAN: Thank you, Mr. Chair. Just to give you a little bit of background, I attended the American Rainwater Catchment Association meeting last year and Richard Jennings was there and he mentioned that he was teaching a class at the Community College on water issues, I guess specifically water conservation issues. And the thought occurred to me that it might be a good partnership – and he also mentioned that the class was doing projects. And I thought that this would be a great partnership for the County to work with the class at the Santa Fe Community College and they could do some research that would be of help to us.

So I went, I guess it was a little over a year ago and talked with the class, and they were really enthusiastic and they took up several of the projects, and Richard Jennings is here now to describe one of those projects.

CHAIRMAN MONTOYA: Welcome, Richard.

RICHARD JENNINGS: Good afternoon, Commissioners. I think the first thing I want to do is roll the film. The students didn't show up; this class ended last December so it wasn't so easy to track them down. So what I did bring is a six-minute video of their presentation. I videoed their presentations as they were making them and it was loaded, so hopefully we'll get to see it. [Audio problems were experienced with the video presentation.]

It might be useful then if we just go slide by slide and I can just tell you what they were talking about. The class was tasked with doing an inventory of installed systems that were put in under the County's rainwater harvesting ordinance where you have a heated square footage of 2,500 square feet and you need to put in an active system. So what they did was to come to Laurie, and she had an intern at that time and they helped them get at the records as much as possible. There were 27,000 or something records in these boxes of paper that are actually stored in Albuquerque. They got a number of them and then went and took

the phone numbers that were listed in the records and called the owners of the property, or found out that they weren't the owners and they had a questionnaire which I believe is in your packet that they used to try to get some information on how many of these systems were installed and how many of them actually work, and how many of them work years after they were installed.

They divided it up into different areas of the county which is shown on the graph above and they had I think 30 responses out of their 120 inquiries. The data basically showed was virtually none of the systems had been installed and most of the people didn't know anything about them and had no knowledge of it. So they came up with recommendations for education that would help the County to get their message out in terms of what the ordinance is and what is required. They also made recommendations in terms of enforcement and training. The problem that you have is there is no enforcement and no inspections when these systems are claimed and the net result is that a lot of them don't get built; they only exist on a sheet of paper and it's handed into the County.

One of the projects that I actually want to do this semester with a class is to come back to the County with an improved ordinance, at least what we think is an improved ordinance that will actually get the systems built and we'll use a blackwater or effluent recycling model as well that could be used as a credit.

I had hoped that this would come through because it's more powerful and legitimate to see what these students came up with on their own, with their own research. Part of the way I teach is I do collaborative project management for the class. They have to put together a project as a group and this was one of the projects they put together. They also did an inventory of rainwater harvesting equipment and systems that could be used in the area of the county that do not have groundwater or surface water for drinking, and they did a passive water harvesting system for an eldercare shelter.

The recommendations that they came up with though were more for education and more for enforcement and that's why I got this idea to also include the blackwater as an amendment to the ordinance should you choose to consider it. The weakness of what has been so far is lack of funds for staff, apparently, lack of inspection and lack of enforcement. If you go with something with blackwater you will have free enforcement and free inspection because this is all licensed by the state. So if it's required or allowed under the ordinance as another source of water conservation, which it truly is, you would be able to have the state do all of the enforcement and all the inspections.

One of the interesting things is the state requires that when a property is sold that these systems are inspected and recertified every time property changes hands. So this basically means that these systems have to work and be tested whenever the property changes hands so they work pretty much forever as long as we can define forever. The inspection is done by private parties that are part of the realty contract. This is something that could be added to the water harvesting ordinance as well as an inspection, and the other thing with the blackwater systems is you don't get your C of O until that has been done when the property is built originally. So that was the message, partly theirs, partly mine. I'm sorry that the audio didn't work but I'd be happy to take any questions and thank you for your time and attention.

CHAIRMAN MONTROYA: Okay. Thank you, Richard. Any questions?

Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. Thank you, Richard. This I think was really helpful and I really think that the partnership with Santa Fe Community College is good for both of us. So I would like to direct staff to look at ways, first of all, how to implement the recommendations that your class made and whether it's feasible. I think that some of them are easy to implement and don't cost very much money and we could do it pretty easily but others might take longer to do, just because of the funding problem. Also I think that working with Santa Fe Community College is a very good thing because when we go out for grant applications I think partnering with a local educational institution is always powerful.

And I would also like to, if Richard's class would be amenable to it, I would really like to see that for your next class that you look at a proposal for a blackwater/graywater ordinance. I think that that is the next step for the County. It would certainly really help us, since we don't have a lot of staff, for you to look at what would be a reasonable thing to do.

Also I think that we should look into how we can have more interns, and again, maybe this is partnering with the Community College. That's a logical place, but there are other places that we could get interns. And finally, I think that for the time being we should keep the Water Conservation Working Group as a standing committee. There is a lot of work to be done and it's a good group of people and I think we should move forward. Thank you.

CHAIRMAN MONTROYA: Okay. Thank you, Commissioner Holian. Thank you, Richard. Appreciate all the work that you've done and the work that Laurie did as well on the Water Conservation Plan. Certainly I think this is a direction that we need to head within the County in terms of looking and I concur, Commissioner Holian, with that survey that was done that highlights the need for us to really look at water conservation, water planning long term because water is the future of life as it exists currently, and if we don't take care of the water that we've got and preserve the water that we've got, conserve it, there is no life. So I certainly think that this is something that people need to be educated about in terms of the long-term planning that we're trying to do in Santa Fe County with water and water conservation, because they don't realize the importance that at some point in time that faucet is not going to turn on and you may not like what comes out of that faucet if we don't start taking care of it right now. So I really commend the work that's being done and will continue to be done. So thank you. Thank you all very much.

XIII. B. 3. Presentation Regarding on-going Remediation and Construction Activities for the New First Judicial Courthouse Project (Community Services Department) [Exhibit 4: Presentation]

CHAIRMAN MONTROYA: Is it almost built? Students, thanks again. Appreciate your coming. Thank you.

JOSEPH GUTIERREZ (Community Services Director): Good afternoon, Commissioners. We have a presentation for you updating you on the remediation efforts that are going on at the courthouse. The team that we have has made substantial progress and some of you I know have visited the site and seen the progress. With us today is Joe

Galemore and Joe Tracy from Intera, and Joe Galemore will be doing the presentation. We also have Sherry Keith, who is with Gerald Martin, our construction management firm, and we have Dan Lyons who's with Bradbury Stamm and he'll talk about once the construction of the building starts, which is hopefully soon. Joe.

JOE GALEMORE: Thank you, Joseph. Commissioners and Mr. Chair, thanks. First let me thank you for the opportunity to present a status report on the remediation of gasoline contamination at the judicial complex and also give you some insight into our plans for protective measures at the building that is being constructed. As I said, my name is Joe Galemore. I'm with Intera.

There's three components to this presentation today. I'll be doing the first two components. The first thing I want to talk about is a review of the extent of what we know about the contamination and from there I want to give you a brief status report of the remediation efforts, and then I'll turn the presentation over to Mr. Dan Lyons with Bradbury Stamm and he'll talk about the building protection measures and then we'll stand for questions after that.

In the review part of this presentation, and first thing I want to do is go over some terms. You may remember this from the first presentation that we gave a while back. This is a cross-section of a typical gasoline service station site that has underground storage tanks and what we're showing here is that the tank has ruptured and it has released gasoline. You'll be hearing me talk about the NAPL plume, which is the red in this illustration, and that's the actual gasoline that absorbed to the soil particles. And from that there's vapors that come off of the NAPL plume and that is illustrated in yellow. Once that NAPL plume continues downward transported by gravity it hits the water table and the components of the gasoline can actually be dissolved in the groundwater, and that's the orange dissolved phase plume that you see in this illustration. I've tried to use the same colors that are illustrated here for the subsequent illustrations.

So this slide is an illustration and map of the area of the site and we think the contamination originated from one or a combination of five gasoline service stations in the area. The most likely sources are the three that are adjacent – the 210-218 Montezuma Avenue gasoline service station that's south of the site, the former Capitol 66 to the southeast, and then there's the former Texaco immediately adjacent to the east side of the site. What we think has occurred is that the NAPL plume was released and it traveled northwest and north right under the area that is proposed for construction of the judicial complex, and then continuing moving northward underneath the DA building, and this NAPL plume is surrounded by the orange dissolved phase plume, and I've got a cross-section that illustrates this a little bit better.

This slide, like I say, illustrates a cross-section of the contamination. It's very diagrammatic. It's not drawn to scale but I think it shows the major parts of what we're trying to convey today. The NAPL plume in red resides directly underneath the lower level parking and then also to the east, underneath the District Attorney building, and then surrounding that NAPL plume is a dissolved phase plume in orange that's in the groundwater below the water table. And then the vapor phase plume is that yellow that you see underneath the DA building.

So the central problems that could have occurred if we didn't effect any remediation or provide any building protection is that the vapor phase plume could have gotten into the parking areas, and then from the parking areas it could have gone into the secure parking that we show illustrated on the west. So our efforts are geared towards keeping this from happening.

So what we've done so far is we've started the excavation up underneath the parking area that's shown here, excavated area, and then we've installed some dewatering wells that we'll talk about later that are in there for construction purposes and for contingency purposes. So we've taken out a good bit of that contamination. And then outside, the Petroleum Storage Tank Bureau has installed some soil vapor extraction wells, the SV wells that you see underneath the DA building. The purpose of those well is to remove the NAPL and any vapor phase contamination there. So those have been installed and are operating.

Planned activities include once we're finished with the excavation we will backfill that area and we will include with that backfill an oxygen releasing compound to help mitigate any additional dissolved phase contamination, and notice that area now is in orange, it's not in red, so we've gotten rid of that NAPL. And then as Dan will talk about later we're planning to put a liner, completely envelop the building and the parking structure with this liner and the remediation efforts outside will continue.

Once the NAPL has been removed by the Petroleum Storage Tank Bureau outside natural accumulation should take effect and as you'll notice I've reduced the orange coloration here, so light orange, indicating we've got lower concentrations of contaminants and natural accumulation at this point should continue with moving the mass of contamination.

So currently, what we have done at the Santa Fe County Judicial Complex is we've removed approximately 17,500 tons of contaminated soil. That equates to 15,000 gallons of gasoline and we've installed the horizontal wells underneath the parking structure. In the vicinity the Petroleum Storage Tank Bureau has installed their soil vapor extraction system on the north and south sides and they are currently being operated. They've removed approximately 3,000 gallons of gasoline and they've implemented their natural attenuation efforts and they're starting the long-term groundwater monitoring program.

A couple of regulatory milestones have been reached. We have received conditional eligibility into the NMED's Voluntary Remediation program and we've also received technical approval of the remediation plan from the Petroleum Storage Tank Bureau.

Future remediation activities, and I'll just touch on these briefly. Dan will go into these in a little bit more detail. We need to continue excavation of the contaminated soil. We've got a couple more horizontal wells that need to be installed. We're going to, as I mentioned earlier, add this oxygen releasing compound into the backfill that will help in the natural attenuation efforts. We need to finalize our liner design that will envelop the parking structure and the building, and then remediation outside of the judicial complex will continue by the Petroleum Storage Tank Bureau. With that I'll turn it over to Mr. Dan Lyons.

DAN LYONS: Thank you, Joe. Mr. Chair, Commissioners, I'm Dan Lyons, the project manager for Bradbury Stamm Construction, the general contractor for the project. I'm here to give you an update on the upcoming activities on site and design activities, as

well as some of the protection measures that we're going to incorporate into the building as a team. First of all, just upcoming activities, there's not a slide for this but as Joe was talking about we're going to continue with our dewatering wells that will be going and you'll see those start actually again tomorrow on site. After that we'll be doing additional piers for shoring stabilization which will allow us to excavate the additional amount down to elevation 6942. After that excavation is complete, as Joe had mentioned we'll be adding a soil amendment to the backfill and then construction can begin.

As far as building protection measures, the project team is in process of finalizing the liner design. I know we've talked about that a lot over the last few presentations, and this is a slide here showing the proposed design for the liner. It's a fairly robust system. The project team has been spending a lot of time, probably about six months, working to find the appropriate liner and we're currently working with Geo-Seal and Land Science Technologies to finalize this design which will envelope the whole entire building underground. We're also reviewing possible means of increasing the venting system for the building, and we've already incorporated a revised parking exhaust system, which will split the exhaust system from the regular parking to the secure parking which is under the building and we'll actually separate the two exhaust systems from each other.

Several other things we're also working on is there will be regular indoor air sampling and laboratory analysis before occupancy and after occupancy or during occupancy. We're also incorporating additional monitoring and control devices in the parking garage that will monitor the vapors in the parking garage. There initially were monitors for car exhaust and we're just increasing the amount of those to better protect the building and allow us to monitor the situation. Thank you very much for your time and the team is prepared to take your questions.

CHAIRMAN MONTOYA: Thank you, Dan, Joe. Questions? Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. I don't really have a question. First of all, I just wanted to thank Joseph and Paul for giving me a tour of the site and I was very encouraged by what I saw. This is a really technically complex problem and I think that you're making really good progress, and the one important point that I really want to make to the people of Santa Fe County is that if we had not undertaken this project this site would not have been cleaned up and this gasoline would still be moving towards the Santa Fe River. So thank you.

CHAIRMAN MONTOYA: Okay. I have a couple of questions on Joe's slides. 17,500 tons of contaminated soil have been excavated. Is that cumulative or is this how much we've taken out again after we took some out previously?

MR. GALEMORE: That's cumulative. That's the total.

CHAIRMAN MONTOYA: That's the total?

MR. GALEMORE: Right.

CHAIRMAN MONTOYA: So the next question I have is what did we do to become eligible to be accepted in NMED's Voluntary Remediation Program, being that we had not been successful in trying to get to be a part of that program in the past. How did we become eligible.

MR. GALEMORE: I'll let Joe Tracy answer that. He's the VRP expert, so let me let him field that question.

JOSEPH TRACY: I'm Joseph Tracy with Intera, Mr. Chair, members of the Commission. It's been sort of a long process with the VRP but essentially the conditional eligibility is a major milestone and we received that here a few weeks ago. So right now we're in their public comment period which is a 30-day process and during that time we'll address any comments that the public may have on our remediation plan as well as work with NMED to finalize that remediation plan. So we feel pretty confident that what we have in place will be accepted and we may have some minor changes to it but we feel going forward we're in a good spot right now.

CHAIRMAN MONTOYA: So there's nothing that we really haven't done or did differently in order to become part of the program?

MR. TRACY: Mr. Chair, members of the Commission, no. I think it was really more of a timing process with the Environment Department and how they wanted to sort of see things go and initially we needed technical approval from PSTB and then we went through the VRP process.

CHAIRMAN MONTOYA: Okay. All right. Thank you. So when is our projected date to actually begin with the liners and the construction will follow that, right?

MR. GUTIERREZ: Mr. Chair, construction will start, we're actually talking about the actual construction of the courthouse, which will be the lower level parking which would start in about November, and we're looking at about a two-year process again towards the end of 2011. There will be a lot of construction activity at the site with the piers and the liner and then the bathtub and those types of things currently. But when we talk about the actual courthouse without these protection measurements that's going to start about November.

CHAIRMAN MONTOYA: So the liner will be done by that time then.

MR. GUTIERREZ: The liner will be in by November, yes.

CHAIRMAN MONTOYA: All right. Well, thank you all. Appreciate the update. Judge, is there anything that you have?

JUDGE STEPHEN PFEFFER: No, just thank you. We appreciate your continued support.

CHAIRMAN MONTOYA: Okay. All right. Commissioner Anaya.

COMMISSIONER ANAYA: Thank you, Mr. Chair. Joseph, I want to thank you and the people that were there when they gave me the tour of the building or the hole in the ground. I felt a lot more comfortable after going down there and seeing it myself and listening to what you all were doing. My question is, did they stop the leaks that were coming out of the side of the wall yet?

MR. GUTIERREZ: Mr. Chair, Recon performed the repairs and they were completed at the end of last week.

COMMISSIONER ANAYA: Okay, there were 90 or something like that?

MR. GUTIERREZ: Mr. Chair, Commissioner Anaya, I guess they repaired 35 to 40 leaks.

COMMISSIONER ANAYA: Okay. And then they talked about putting some

– I don't know if it was ½" or ¾" metal around the interior of the hole, probably nine foot high. Are they still going to do that?

MR. GUTIERREZ: Mr. Chair, Commissioner Anaya, Mr. Lyons is researching that and looking at the engineering aspects of that, so it's still a consideration and we're evaluating it and we'll have an answer for that probably in the next two to three weeks.

COMMISSIONER ANAYA: Because they talked about putting that metal, welding it to those beams, and then pouring concrete in there to possibly that would help seal it up. I don't know. It kind of made sense to me. And then the dewatering wells, those are already installed and working?

MR. GUTIERREZ: Mr. Chair, Commissioner Anaya, they are installed and they are working.

COMMISSIONER ANAYA: Okay, and then the backfill area, did you already take that contaminated soil out and backfilled it already?

MR. GUTIERREZ: Mr. Chair, Commissioner Anaya, we have done that up to 6946. In certain areas we're going to 6942, so there's still areas that we're going a little bit lower and that's contaminated soil that we'll have to remove and dispose of. That's scheduled activity that's coming up in the next 30 days or so.

COMMISSIONER ANAYA: And when you say 6942, that's the bottom of the hole?

MR. GUTIERREZ: 6942, that's correct.

COMMISSIONER ANAYA: Okay. Thank you all for the presentation.

MR. GUTIERREZ: Thank you, Commissioners.

XI. B. Resolution No. 2010-156 Resolution Declaring September 2010 as National Preparedness Month (Commissioner Holian) [Exhibit 2: FEMA Brochure; Exhibit 3: List of Partnerships]

COMMISSIONER HOLIAN: Thank you, Mr. Chair, and first of all I really want to apologize to Chief Vigil and also to Amy Trepper if she's still here. You were very patient. So September is National Preparedness Month and we have a resolution in support of calling attention to the importance of being prepared. I will read the resolution but first I'd like to tell a story which I think illustrates how important preparedness is.

Five years ago Hurricane Katrina happened and I think we all remember the horrific pictures of drowned people floating down the streets which had turned into waterways, and the people who were on the roofs waiting for rescue with the water rising. Well, it turns out that I was in Japan at that time. Of course I saw all those images on Japanese TV, but there was another thing that was occurring. There was a typhoon, which is what they call hurricanes in the Pacific, in Japan that was every bit as strong as Hurricane Katrina. And it caused a great deal of damage in Japan.

There were a lot of mudslides. There were a number of people who died. Many, many people lost their homes. We didn't hear too much about it in the American press because of course we were pretty obsessed with Katrina, but I was there and I can sort of compare what was happening in the two countries. What was really compelling to me is what happened

after the disasters. We all know what happened after Katrina. There was a lot of finger pointing. Everybody was waiting for somebody else to come and save the day and it seemed like there were no plans.

Well, in Japan it was completely different. They have a history of disasters there. They're in the Pacific Ring of Fire so they have earthquakes and tornadoes and floods and tsunamis and you name it. So over the years they have really thought a lot about how to be prepared for disasters. In fact my brother was telling me that the Japanese government has pre-fab housing that's in warehouse and it's ready for whenever there's a disaster and within 24 to 48 hours after a disaster in which people have lost their homes they've erected these structures and people have housing, they have food, they have water, they have medical care.

It was amazing to me. It was like, no muss, no fuss. And it really illustrated to me how crucial it is to be prepared. I think that a really, really important point about a good disaster preparedness plan is number one, it saved lives. Far and away the most important. But also it minimizes economic disruption, which is very important. It took New Orleans months, years to get back on their feet and maybe they still aren't. Also I think, and this is kind of from a selfish point of view, but I think that when a plan like that goes well and people are taken care of it really improves their faith in government. So in any event, I would like to first read the resolution.

The Board of County Commissioners of Santa Fe County, Resolution No. 2010-156, a resolution declaring September 2010 as National Preparedness Month.

Whereas, National Preparedness Month, occurring annually in September creates an important opportunity for every resident in the United States to prepare their homes, businesses and communities for any type of emergency ranging from natural disasters to potential acts of terrorism; and

Whereas, the Federal Emergency Management Agency's Ready campaign, Citizen Corps and other federal, state, local, private and volunteer agencies, such as the Salvation Army of Santa Fe County, Santa Fe County Office of Emergency Management and others are working to increase public awareness of the importance of preparing for major emergency and encourage individuals to become better educated, prepared, and thus able to take action; and

Whereas, all citizens of Santa Fe County are urged to participate in citizen preparedness activities and review the Ready campaign's website at www.ready.com or for Spanish speakers, www.listo.gov; and

Whereas, investing in our own preparedness and that our families, businesses and communities can reduce fatalities and economic devastation in our county and nation; and

Whereas, emergency preparedness is a responsibility of every citizen of Santa Fe County, all of whom are urged to make preparedness a priority by taking the following four steps: 1. Assembling or purchasing an emergency supply kit. 2. Establishing a comprehensive family emergency action plan. 3. Becoming educated in the types of disasters that may occur in Santa Fe County. And 4. Getting involved with local preparedness organizations and their efforts; and

Whereas, the Santa Fe County Fire Department has endorsed the International Association of Fire Chiefs' Ready Set Go Wildfire Preparedness Program; and

Whereas, the communities of Santa Fe County remember the devastating impacts of past national and local disasters and recognize the importance of being prepared in a major emergency including earthquake, wildfire, flood and other related emergencies, pandemic, chemical, acts of terrorism, etc.

Now, therefore, be it resolved by the Santa Fe County Board of County Commissioners that September 2010 be proclaimed as National Preparedness Month in Santa Fe County and hereby strongly urges all of its citizens and businesses to develop comprehensive emergency preparedness action plans in accordance with national and local emergency plans.

So now I would like to turn this over to Martin Vigil who is an assistant chief at the Santa Fe County Fire Department and he has full-time responsibilities for homeland security and emergency management in Santa Fe County.

MARTIN VIGIL (Emergency Management): Thank you, Mr. Chair and Commissioners. One of my continued challenges here in Santa Fe County is the widespread complacency of our community. We really don't have disasters every day so it tends to be a little out of sight, out of mind. You didn't have to apologize because I venture to say that I might have been a point of discussion if yesterday when this facility went under lockdown if we did have a tragedy we would be talking about that right at the get-go. And yet here in our community we are fortunate that we don't have disasters like the west coast and the Gulf Coast states. With that, however, it is very easy to kind put off taking that next step and this is what we really want to come and out remind people in September just to take that extra little moment to evaluate your family preparedness, get that plan in place, because one of the things we do know in a large-scale event is that we lose all of our cell phone and a lot of land line communications.

It's good to have a plan for childcare, for picking up kids from school, if that communication link is disrupted and our normal day-to-day activities are disrupted. Just that simple little step could go a long way and really, just piece of mind that you have a plan at home.

I wanted to share with you, we've had a display table out here in the lobby since about 10:00 and we've had some conversation and we've handed out some material on preparedness. September 18th, Amy Trepper, who was not able to stay, has really taken this the next step in seeing that her community in Galisteo is really having a conversation about preparedness and so she has really led in engaging my office and so we'll be out there during the chile cook-off to have a preparedness booth.

On September 25th we're going to be with the CHRISTUS St. Vincent Health and Safety Safari. We'll have a large display there and also keeping this dialogue. And I want to acknowledge Victoria DeVargas as part of our prevention staff at the County Fire Department. She's partnering with the state Homeland Security Office. They're rolling out a pilot program where all fourth graders in the state of New Mexico are going to be engaged first with a starter pack and there's some actual student activities asking them to become the emergency manager for their family and actually empowering them to get their family disaster plans put together and just carrying on. What are their risks in their communities? So she'll be rolling that out this month.

We've had recent floods in Chimayo, La Puebla, El Rancho, Turquoise Trail and La Cienega, so we do have a threat out there. Wildfire has always been our number one but we have flooding at times. We just came out of a pretty significant public health event last year and as technology grows around us sometimes that technology can give us additional hazards. Again, I would ask everybody that's in the room to have a little commitment within yourself to make sure that your families have that disaster plan and look at your inventory of emergency supplies that you might carry in your car or at home. Just some very simple steps. Thank you very much.

CHAIRMAN MONTOYA: Okay. Commissioner Vigil.

COMMISSIONER VIGIL: Thank you. A very important message to get out there. Appreciate you doing that. It's been a while that I've created a focus for homeland security and emergency preparedness so I definitely appreciate your being here. When the Homeland Security Act went into effect and the state and local governments were looking at how to respond towards dollars that were being disseminated through the Homeland Security Act, I know that actually you may have come on board shortly after that. We had hired a joint City-County emergency preparedness. Is that still your role?

MR. VIGIL: No. The program has separated. However, there's still very much collaboration and communication between the two programs. I think it's working out pretty well right now.

COMMISSIONER VIGIL: One of the requests of the act made upon state and local governments was to quickly put together an emergency preparedness plan. And I know that local governments were really scattered to try to get that done, but actually what in effect happened is perhaps those plans were presented to the state and I believe the state did a statewide emergency plan. Is that correct? How did Santa Fe County fare amongst all of that?

MR. VIGIL: We have our own plan. It actually is a City-County plan. I believe the City has just finished – I don't know if it's actually been passed but I was looking at some final drafts of their plan. Ours is up for review, actually an update this year, and so we've started to tackle that process. But we have what I feel is a very operationally sound plan for Santa Fe County.

COMMISSIONER VIGIL: And Mr. Vigil, do we have a link in our website with regard to that plan? Or disseminating information for home preparedness?

MR. VIGIL: We do. And a lot of the particular websites that are key to that preparedness is on that. I know we were in the process of getting the basic plan on there. I'm not sure that has actually occurred but I believe she was working on that. Again, we're right in the process of a rewrite, just started that process, but I would imagine that's going to take us through 2011 to get that done.

COMMISSIONER VIGIL: It would be good to get a summary of that, once it was done, before the Board of County Commission. I have to say that having been at the County at the time when everyone had to respond to the Cerro Grande fire in Los Alamos, I was quite impressed by our communities and our surrounding communities to pull together to help in a disaster situation. We have the folk out there who are willing to help and step up to the plate. I think if we can do more outreach and communication with regard to what we all can do and streamline and be able to know what everybody's role would be under an

emergency response would be quite beneficial because having gone through that particular crisis that was clearly – nor was technology an issue at that point in time – but it was clearly unknown to all participants whose role was what. So everybody seemed to pitch in in whichever way they could, which is a wonderful response. But when you do have something more definitive it creates the ultimate and the best results most expeditiously. Thank you, Mr. Chair.

CHAIRMAN MONTOYA: Thank you, Commissioner Vigil.

MR. VIGIL: Could I have just one final –

CHAIRMAN MONTOYA: Go ahead.

MR. VIGIL: One of the things I think you have is a sheet that outlines our partners in emergency planning. Since I've been on board we've engaged over 100 organizations here Santa Fe. Commissioner Vigil, just for that reason, post-Cerro Grande, we have partners at the federal, state, local, the tribes, our non-governmental organizations, faith-based organizations, volunteer organizations that are active in disasters. So it's a pretty large community that has come together and has had a very tangible dialogue or planning has actually occurred. Training exercises have come together, so it is a pretty robust community involved here in Santa Fe.

CHAIRMAN MONTOYA: Thank you, Martin. Appreciate it. Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Chief Vigil. Interesting presentation, and important.

CHAIRMAN MONTOYA: And this is Resolution 2010-156.

COMMISSIONER VIGIL: Move to approve.

COMMISSIONER HOLIAN: Second.

CHAIRMAN MONTOYA: Second by Commissioner Holian. Any other discussion?

The motion passed by unanimous [4-0] voice vote.

XI. E. Discussion and Possible Approval to Provide Additional Funding to the Santa Fe County Extension Office for the 2010-2011 Santa Fe County Fair Queen to Compete in the 2010-2011 New Mexico State Fair Queen Contest. (Commissioner Anaya)

COMMISSIONER ANAYA: Thank you, Mr. Chair. Every year at the State Fair the queens from around the counties all gather at the State Fair to participate and run for the State Fair Queen. Last year and the year before that when we had contingency monies I donated money to that cause. I put this on the agenda because I was asked by some County Fair people if we could somehow support them this year. And I know that our funds are dwindling. But I had a conversation with Teresa before I put this on the agenda and she said we don't have any money. Which I already knew that, but I thought maybe she would donate out of her own pocket. But that leads me to what I want to ask is – did you find any money, Teresa between now and ten minutes ago? No. Still nothing.

What I would ask is if we can't find any money that maybe we could solicit some donations from people from around Santa Fe County to send our County Fair Queen, Sarah Zimmerman, who is our County 4-H queen, and if there is anybody who would like to donate to help her, because you've got to compete in a lot of things and you've got to be there. You've got to have room and board and food and things to get you around there to compete. And I think it's important that Santa Fe County has somebody there, because not every county sends somebody from their county. I think the last year there was 15 and the year before that there was 20 or so.

But if you can find it in your heart to help Sarah to get her some money you could call 986-62293 and talk to my assistant Jennifer Jaramillo, and she'll connect you with the right folks. That number is 986-6293, get in touch with Jennifer Jaramillo and try to get her some kind of money to help her out. Any other comments from the Commissioners?

COMMISSIONER VIGIL: Mr. Chair.

CHAIRMAN MONTTOYA: Commissioner Vigil.

COMMISSIONER VIGIL: How much does she need, Commissioner Anaya?

COMMISSIONER ANAYA: The last few years I think I donated – or the County did, the Commission did, \$1500.

COMMISSIONER VIGIL: \$1500. You know there's a lot of other options besides donations. The County is quite capable of doing some fundraising through frito pie sales and things of that nature that we could actually extend an opportunity to the candidate to do that, in any way that we can help. I think those frito pie sales turn out to be quite successful and I certainly think that that's an opportunity for the candidate to try to raise funds. So I think we can make the County building available. Valerie's raising her hand.

VALERIE ESPINOZA (County Clerk): Yes, Mr. Chair. We would like to help with that. Our office will help.

COMMISSIONER ANAYA: Okay. Thank you, Valerie.

COMMISSIONER VIGIL: With the frito pies?

MS. ESPINOZA: Yes, ma'am.

CHAIRMAN MONTTOYA: Okay. Commissioner Vigil.

COMMISSIONER VIGIL: That's it, Mr. Chair.

CHAIRMAN MONTTOYA: Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. Well, I guess I just want to make a comment that I think part of the reason that Commissioner Anaya brought this forward is because our community funds are gone now. So I hope that in the next year or two or finances will be under control and I really think that we do need to look at our community funds again because we did a lot of good with them with things like this. I know that as far as I was concerned, that was the funnest part of my job, so I'd really like to see that we at least explore if we could restore them when our finances are under control again. Do we need to make a motion?

CHAIRMAN MONTTOYA: Not unless someone cares to make a motion. I concur. These are things – I've already had to turn down girls' soccer teams and cross country teams. That's the worst part of my job now, having to say no when previously we were able at least to help a little bit. It was nothing substantive, but it was for them. It was definitely

substantive and significant for them. So whenever we all decide to move in the future, some community assistance fund that we had was helpful. Commissioner Anaya, this is still your item.

COMMISSIONER ANAYA: I'll just tell you the number one more time and hopefully – I just talked to Jennifer. She has no callers yet. 986-6293, Jennifer Jaramillo. 986-6293. Thank you, Mr. Chair.

**XIII. G. Santa Fe County Automated Bulk Water System Announcement.
(Commissioner Anaya)**

COMMISSIONER ANAYA: Okay. Thank you, Mr. Chair. I would like Pego to come forward and just talk a bulk water system is and how it helps the people off of 14 where they don't have that much water and how much they use this, and just talk a little bit about what exactly it is. Pego, if you could.

MR. GUERRERORTIZ: Mr. Chair, Commissioners, last Monday we were honored to have the official opening, open for business that is of what we call the bulk water dispensing facility. And that's nothing but a very organized way, an automated way of selling water to the public when the public does not have the ability to get that through pipe systems. And we call it the Ojo de Agua which is the very old New Mexican Spanish for a spring or a well.

So this facility was placed because the need for having an automated system was there to protect at the same time the safety of our system. Bulk sales are usually carried through a hydrant in the system or another public or open to the public kind of facility that would allow you to draw the water and meter it some how so that we can keep track of it. Well, this facility does both. It allows you to provide that water to the public that does not have access to a potable pipe network, and at the same time it helps the utility keep the water safe and keep track of how much water we're dispensing that way.

I'd like to take this opportunity to correct the record. The facility cost us about \$161,000. That was construction and installation of the equipment and the equipment itself. The newspaper reported that it would be paid off in two or three months. That's an exaggeration. I said two or three years. The reason is we have staff two days a week out there to dispense the water from the fire hydrant because we cannot just let people go and turn on the fire hydrant and get the water themselves, and that costs money. And then the potential effect on the utility is very significant too. If for whatever reason the water is wasted or contaminated, we would have to deal with it and that could be very expensive.

So this facility does that. Last year we sold about a million gallons of water, altogether, bulk sales. And one tenth of that was to people who don't have access to a potable water system, whose wells are failing or contaminated, or simply do not exist. So people who have to recur to having to buy water from someone else are safest buying it directly from a utility, in case the County. And this facility is open 24 hours a day. They can draw water at any time as long as they have the account that they need to establish. There is a little initial process that could be cumbersome for some individuals because they have to come to our

offices to establish an account, but other than that it becomes very useful for a lot of people to come pick up water after work or pick up water on weekends or whenever they have the time and the ability to get a truck and the containers to pick up the water.

We expect that there will be learning curve and people are going to have some issues with the automated system. People are going to have some issues with the way the hoses deliver into the trucks. The idea is that a three-inch line that delivers from over head is going to be for tankers or for people who have the specialized equipment for carrying water, while the 1 ½" hose that is equipped with a green hose that you see in the picture will be for containers that are smaller than say, 500 gallons. Or even 300 gallons. So anybody who has a pickup truck full of several containers is much better off using the hose than the overhead dispenser.

I expect, as I said, a learning curve. We have staff available to help people there. We will continue to distribute water and to dispense the water the old fashioned way until the 12th of next month, and after that we will leave it up to the customers to get it themselves. We will have a phone line available for people who have problems or who need help and we will try to assist them as they need it. Of course we wouldn't be able to assist them in the middle of the night but during the day we'll be able to assist them with that.

COMMISSIONER ANAYA: Pego, can you tell them how do they get their number, and then tell them the location of where this is.

MR. GUERRERORTIZ: Okay, the easiest for most people is going to be to go to the Public Works Facility on 2424 New Mexico 599, which is the building with the windmill. At that point we will provide them with a number and a password, and they will be three and four digits respectively, and those will be the ones that users will punch into the machine to get water. And of course we have the directions in both Spanish and English to follow through the menus so that you can get the water that you need and be on your way. The water is going to be pre-paid. So you go to the facility and you say you want to buy a total of 5,000 gallons. And the 5,000 gallons, you can use them in one night or you can use them in five years. So it doesn't matter to us; we're selling the water.

The price of the water is approximate one cent per gallon, which is a lot more expensive than the water you get at home, for instance, if you have service by the utility. But it is a service that luckily not very many people need, but those who need it really do. So we'll have – and that by the way is an interim rate. It still has to be approved by the Commission. The interim rate we had to introduce because the old system is a punchcard system and it's also prepaid and people were paying about \$5 per 500 gallon allotments, plus a \$10 per month service fee. So we have combined all those things into a rate that is equivalent for the person who buys up to 5,000 gallons. It's equivalent to about a cent per gallon.

In the past, those people who bought less than 500 gallons at a time, or less than 500 gallons a month would have to pay a much higher rate. People paid anywhere between a cent and three cents per gallon in the past. So we have consolidated that into one cent per gallon, one penny per gallon.

COMMISSIONER ANAYA: Pego, thank you for that presentation and I think this is going to be an added service to the community and we had our ribbon-cutting and I

think it's a good thing for Santa Fe County. Thank you, Pego, for helping out. Thank you, Mr. Chair.

CHAIRMAN MONTOYA: Commissioner Vigil.

COMMISSIONER VIGIL: Mr. Guerrerortiz, in particularly high drought periods, what the County has done in the past is provided accessibility to water through water buffalos. Will this totally replace that option?

MR. GUERRERORTIZ: Mr. Chair, Commissioner Vigil, the idea is that eventually we will replace the old systems that we had to dispense water. Contractors will be using this facility, but we're going to have to transition into this system. So we will still have some of the dispensing of water through fire hydrants but this is the preferred mechanism to do so.

COMMISSIONER VIGIL: So is it the plan to not contract for water buffalos so long as we have this facility? Or is that going to be dependent on the need and demand?

MR. GUERRERORTIZ: Well, the water buffalo, the way I understand the water buffalo is you're going to have a carrier so the water will go to the community. That will still be part of this because the only difference is the buffalo might be filling up –

COMMISSIONER VIGIL: Getting the water at this source. Okay.

MR. GUERRERORTIZ: There might be several events, emergency events in the county that are going to require that we provide water on the spot where the need is, rather than have people come to pick it up.

COMMISSIONER VIGIL: Okay. Thank you.

COMMISSIONER ANAYA: And the location. I don't think you ever said the location.

MR. GUERRERORTIZ: Sorry. No, I did not. The Ojo de Agua is located on Highway 14 in the same access road to the detention facility. And you'll see it to your left-hand side as you drive towards the detention facility.

COMMISSIONER VIGIL: And what will be onsite at the Public Works building? What were you referencing when you identified the Public Works building as a site?

MR. GUERRERORTIZ: That's where people would get their account number.

COMMISSIONER VIGIL: Okay. Great. Thank you.

CHAIRMAN MONTOYA: Okay. Thank you.

ROBERT MARTINEZ (Public Works Director): Mr. Chair, if I could add, Public Works purchased a potable water truck, so in the event there are communities that are in need of water we would be able to assist.

COMMISSIONER VIGIL: So we no longer have to contract for those. We now have our own in-house truck.

MR. MARTINEZ: Mr. Chair, Commissioner Vigil, I don't recall we were contracting. I believe we were getting assistance from the National Guard.

COMMISSIONER VIGIL: Okay. Thanks.

XI. OTHER MATTERS FROM THE COMMISSION

CHAIRMAN MONTROYA: Who's ready to roll? Commissioner Vigil.

COMMISSIONER VIGIL: Thank you. Valerie, I wanted to afford you an opportunity to describe for us your new service through the Internet. I was impressed by that availability to the citizens of Santa Fe so I think this is another opportunity for you to make that known, if you wouldn't mind.

MS. ESPINOZA: Thank you, Mr. Chair and Commissioner Vigil. Yes, in fact Marcella just informed me that she's monitoring the cost, the daily incoming cost. We're collecting about \$200 a day from our customers. So this service provides to mainly the title companies, the banks, the big businesses that we do routine business with, an opportunity to efile and erecord. So soon it will be available to our customers as well, and it's just through a licensing agreement that they pay for. We have two vendors. One is Simplifile and the other one is our current vendor that we have been using for the last six years that I'm aware of and that's PDS.

So it just enables you or our customers to efile, erecord their documents on line for a small fee. And this way you don't have to come find parking at the courthouse or come into the office and it's done in a way where we keep track. There's only three people that utilize the system, and so we keep track. So if there's a lien that comes via email or through this efilng, erecording we keep track that way and there won't be duplicates coming in person, so we monitor this consistently. So it's working out very well.

COMMISSIONER VIGIL: How does the notarization work through efilng, if it's necessary to notarize something?

MS. ESPINOZA: It's necessary, and it's up to the title company. It's up to the user to provide that information, as if they were hand-carrying it in. So we don't accept any liability and we won't accept it if you can't see the mark, the notary stamp.

COMMISSIONER VIGIL: I'm really glad that you're able to provide that service. It would be interesting to continue monitoring it and see the benefits of it. It would seem to me that it would be beneficial, but it would be good to know that it is. You'll be giving us a follow-up report at some point in time with regard to that.

MS. ESPINOZA: I was hoping to be the first clerk that initiated the effort but we had to do a test run and so Los Alamos County is efilng and erecording and so is Las Cruces. So so far there's only three counties throughout the state using this and the customers are happy.

COMMISSIONER VIGIL: Okay. So in three months, six months, whatever amount of period that you think would be sufficient to gather the information to give us an update it would be beneficial. Because there's so much else that we could consider for efilng, I would imagine. I wonder if you could get marriage licenses by efile. Or divorces.

MS. ESPINOZA: Thank you for the opportunity.

COMMISSIONER VIGIL: We had a very interesting conversation, Mr. Chair and members of the Commission in this morning's health committee meeting, and probably the better part of the hour that we had that meeting we talked about the health programs that

we currently have and the disbursement of the indigent fund. We saw sort of different views in terms of how we approach disbursing that indigent fund and it seems to me that based on the discussions that we had the action that we took was to require that anyone applying for indigent funds do have a social security number. But based on the fact that the request came to us to reconsider that, to consider looking at other options, I'm going to suggest that staff look into options that may be brought for that would be a way of identifying the applicants for indigent care, either through one of the discussions we had was tax ID numbers. Other discussions we had were through income tax forms. Other options there were state IDs with pictures. The requirements for those people who participate in the indigent fund is strictly just residents. They need to be a resident of Santa Fe County. And I think if staff can look at what options we have we may be able to better serve a larger part of our population and at the same time the issue of tracking these applicants could be part of our administration.

So my concern, and why I voted for the social security option is we do need to track each one of these applicants. We need to identify how many times they come before for indigent healthcare funds and we need to be able to track them if not for any other purposes then they meet our cap requirements. So I have mentioned this to Greg Smith this morning and I know Teresa, you've been working with him on it. If you could work together with him and the Health Policy and Planning Commission may also be able to make some recommendations and maybe we can consider sort of a negotiated place for addressing this issue. Thank you, Mr. Chair.

Oh, I have one more. I needed to inform everyone that on September 25th the Special Olympics are going to be held at the Santa Fe County extension building. We just agreed, because there are several employees of Santa Fe County who are active participants in the Santa Fe Special Olympics. This will be the first time Santa Fe County will be a participant to the extent that our County Extension Office is there. That's not to say we haven't had employees who have participated in that before. I have a flyer here that gives the background on Special Olympics. I'm really proud to know that we have Santa Fe County employees who are strong participants in this and I'm glad to know that we will make a facility available for that. It is September 25th from 3:00 to 7:00, and I think that anyone who would like to participate on a volunteer basis or just be there to support should be there. Thank you, Mr. Chair.

CHAIRMAN MONTROYA: Okay. Thank you, Commissioner Vigil.
Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. I just have one item. A couple of weeks ago I attended the Oppenheimer Lecture in Los Alamos and for those of you have not heard of it it's a lecture series that's been going on for 40 years in Los Alamos and they bring in famous and illustrious scientists from around the world to give a lecture once a year. In fact the lecture, the last one was Dr. Ahmed Zewail, who is the tenth Nobel Laureate who's given a lecture there and I will not torture with a synopsis of what that lecture was. I just barely understood it myself. And I have to say that Los Alamos is the only town I can think of in the entire country, maybe the entire world, where 600 people would give up their TVs for the night and go out and listen to a technical lecture.

But the reason I'm bringing this up is that the Oppenheimer Committee also does

scholarships, and over the years as some of the old-timers have been passing on in Los Alamos, the scholarship fund has gotten better and better endowed and this last year they gave 11 scholarships out and I'm proud to say that two of them were to Santa Fe High School seniors. One, which was endowed by LANB was to Justin D. Baca, who is a senior at Santa Fe High School. Also another senior at Santa Fe High School, Rhett Spencer got a scholarship in memory of Nick Metropolis. He was a very famous – he was the head of the computer department after the Manhattan Project and is an extremely famous mathematician.

Also Pojoaque Valley High School Senior Tom Nakotte got a scholarship in memory of Norris Bradbury who was a former director of the laboratory. So I just want to say congratulations to our own Justin, Rhett and Tom.

CHAIRMAN MONTOYA: Thank you, Commissioner Holian. Commissioner Anaya.

COMMISSIONER ANAYA: I don't have anything.

CHAIRMAN MONTOYA: Okay. I just have a couple of things. We did have a couple of ribbon cuttings last week, one in Nambe last Tuesday and one in Cundiyo on Thursday. I want to just thank staff. Is Rudy still here? Rudy and Joseph and Paul, all you guys, Lisa, for doing a great job in terms of getting people out there and also getting everything squared away. We have a beautiful phase 1 of the park in Nambe with a tennis court and basketball court which people are using extensively already, which is great, because that is something they wanted there for years. And also in Cundiyo they now have a play where they can hold voting and meetings, acequia meetings, Merced land grant meetings, without having to move the fire truck out in order to sit in the fire station. So certainly those are two very much needed community projects that were completed and I wanted to recognize staff and thank them for completing those and getting them done.

I'd also like to ask – because we have staff, as I understand, that are no longer working in the satellite offices. We have, what? About four or five people, Penny, that were staffing those offices?

MR. GUERRERORTIZ: Mr. Chair, I believe it was three or four people.

CHAIRMAN MONTOYA: Three or four? So maybe if there's some way that we can recognize them at our next meeting for the work that they did. I know that I stopped by there last week and that Pojoaque satellite office is very busy. There was a lot of traffic the hour that I was there and certainly the staff I know are going to be missed because they did a great job in terms of working with the public there and I'm sure it's the same in Eldorado and Edgewood. So if we could maybe recognize them at our next meeting.

And I just wanted to inform the Commission that at mid-year the possibility of maybe looking at a staff position at the Treasurer's Office that he had requested, and we didn't allot or allocate any funding for any new position prior to the budget approval, but he has hired someone on a temporary basis who has gone in and done an amazing job at collecting taxes that have been in arrears for sometimes years now and he's going back and collecting those and has brought in about \$1.1 million in back taxes. To me, that's the type of information that I feel I need as a Commissioner in order to make a decision to say, yes, you do need more staff. You're providing us some tangible evidence as to what it is that this individual is actually doing. So anyway, just a little plug that possibly at mid-year, if depending on where

the budget is if it's possible that at least one person might be able to be added to that particular office, because that's one office that we haven't done a whole lot with and I know the Clerk, we've tried to work with you too and I know you need more people and everybody needs more people and to me this is one position that I think right now would pay for itself for a number of years. So I just wanted to put that out there. So that's all I have.

XII. B. 5. Review of the Monthly Financial Report for the Month of July 2010 Specific to the General Fund (Finance Division)

COMMISSIONER HOLIAN: Thank you, Mr. Chair. First of all, Teresa, thank you very much for those reports. It's always nice to sort of keep an eye on what's going on with our budget. First of all, I wanted to ask you, do you have any late breaking news on our GRTs?

TERESA MARTINEZ (Finance Director): Mr. Chair, Commissioner Holian, the August collections came in just better than budget. We had a little bit of a scare with the July collections being significantly under budget, so we with the August collections are just better than budget, so that's a good thing. They did not fall in August.

COMMISSIONER HOLIAN: Great. And then I wanted to ask you on this chart under receipts and disbursements. It looks to me like the disbursements, compared to last year across the board are really less, except for debt service. So my question is is this our cost-cutting measures that are starting to take effect now?

MS. MARTINEZ: Mr. Chair, Commissioner Holian, it definitely is very much our cost-saving measures, which include reductions to many operational expenditures as well as a hiring freeze. So debt service seems high because we had more bond sales in the previous fiscal year and the majority of our payments are made in the first months of the fiscal year. But the rest can be attributed to the fact that we have made cost-saving measures come true.

COMMISSIONER HOLIAN: Well, that's very gratifying to see. Thank you, Teresa. And I move for approval.

COMMISSIONER VIGIL: Second.

CHAIRMAN MONTOYA: Motion by Commissioner Holian, second by Commissioner Vigil.

The motion passed by unanimous [4-0] voice vote.

XII. C. 3. Resolution No. 2010-157. A Resolution Requesting an Increase to the Lodgers Tax Advertising Fund (215) to Budget Cash Carryover for a Joint Effort Between Santa Fe County and the City of Santa Fe for Media Relations / \$50,000 (Finance Division)

COMMISSIONER VIGIL: let me just preface my comments by saying I think

when we look at cost measures, combining our efforts with the City of Santa Fe is definitely one way we can look at that and I think if we really stepped up to doing that a little bit more we might be able to get more bang for our buck, so to speak, and this is certainly one way of doing it. Because these requests are through our Lodgers' Tax collections, and the \$50,000 that we're going to be giving will assure that Santa Fe County has a part of the marketing strategy to promote the county. My understanding is that somebody will be at the table with regard to this. Can you explain that for me further, Teresa?

MS. MARTINEZ: Mr. Chair, Commissioner Vigil, you are correct. We have an agreement. I don't believe it's finalized yet but what you have before you today is the budget action, so that we can make our commitment for our share. But we have an agreement that's been reviewed by both sides and we've agreed that we would both contribute, pool our resources, so that we could try to make Santa Fe a destination, market it at a national level, and we will have a representative at the table. We will also receive monthly reports from the CVB and the contractor as to the benefits, ad placements, the travel kits, things of that nature. So we will be involved and we will have progress reports.

COMMISSIONER VIGIL: And do you know who will be sitting at the table?

MS. MARTINEZ: More than likely I would believe that the LTAB would assign Russ Rountree and more than likely I will have my finance liaison attend as well.

COMMISSIONER VIGIL: That would be wonderful. I have spoken with some of the staff at the City and they are actually looking at promoting Madrid, Cerrillos, Chimayo, the Galisteo Basin, Cerrillos Hills, the Wildlife Nature in Edgewood, Glorieta Battlefield, White Rock for outdoor recreation, the bed and breakfasts that are located in the county, hotel and spas, and the outdoor recreational opportunities that are huge in the county. We have some of the best hiking trails that I've most recently discovered that need to be continually and further promoted. So I'm hoping that whoever sits at the table in promoting this promotes all of those activities as a package and that if we experience success in this kind of marketing strategy perhaps it will provide the opportunity for us to pool our dollars together even more.

MS. MARTINEZ: Okay.

COMMISSIONER VIGIL: Thank you, Teresa. I move to approve, Mr. Chair.

COMMISSIONER HOLIAN: Second.

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

The motion passed by unanimous [4-0] voice vote.

XIII. STAFF AND ELECTED OFFICIALS' ITEMS

A. Finance Division

1. Discussion of an Audit Committee

MS. MARTINEZ: Mr. Chair, again, we bring this to you hot on the tail of a recent training performed by the State Auditor's Office relative to fraud training. Discussions and suggestions were made by State Auditor staff that the County should research the

possibility of having an Audit Committee. And many entities do so what we've brought to you today is basically for discussion and direction. If you would like the Finance staff and Legal staff to pursue an Audit Committee for Santa Fe County, and we would do that via resolution format. So I gave you some general information in terms of the purpose of an Audit Committee, who may serve on that Audit Committee, and we're just looking for direction as to whether you would like us to pursue that effort.

CHAIRMAN MONTOYA: Any comments? Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. Teresa, how many people are typically on an Audit Committee?

MS. MARTINEZ: Mr. Chair, Commissioner Holian, it can range anywhere from three to seven people. Typically it's about four to five.

COMMISSIONER HOLIAN: And does the BCC actually appoint the members to the Audit Committee?

MS. MARTINEZ: They typically do. I've researched a few. There's some where members of the governing board may sit on it, or the County Manager or the City Mayor. There's some where the budget administrator of the Finance Director. There's citizens at large, people that have a background in auditing or a financial background. So it's really at the discretion of the County Commissioners. So, typical, four to five.

COMMISSIONER HOLIAN: Okay. Thank you. Well, I don't know how the other Commissioners feel but I feel that it would be an excellent idea to move forward with bringing us a proposal for what this Audit Committee would look like and how we could form one.

MS. MARTINEZ: Okay.

CHAIRMAN MONTOYA: Commissioner Vigil.

COMMISSIONER VIGIL: I actually, because this isn't really an action item, it's just discussion, I agree with Commissioner Holian that fine-tuning this would be a very good thing. I also would like on that report for you to include how much staff would be required, staff time and staff dedication to this because we don't want to just create this and then inadvertently not make staff available for other responsibilities. If you can let us know that.

CHAIRMAN MONTOYA: Commissioner Anaya.

COMMISSIONER ANAYA: I'm okay with it.

CHAIRMAN MONTOYA: Okay. Yes, I'm all in favor of moving forward with this, Teresa, because certainly I think this is a measure that can keep us out of a lot of controversial situations and certainly anything we can do in the preventive mode that's going to help us Countywide, I say let's do it, and this is certainly one of those things that will help promote and prevent anything from happening that we don't want to see occur within the County. So certainly I think that anything I can do to support this, let me know.

MS. MARTINEZ: Okay. Thank you.

XIII. A. 2. Resolution No. 2010-158. A Resolution Authorizing Publication of Title and General Summary of an Ordinance Authorizing the Subordinated Pledge of County Capital Outlay Gross Receipts Tax Revenues for the Repayment of the County's Share of the Principal in Connection with (1) Water Trust Board Loan/Grant Project No. 68-WTB in an Amount Equal to \$100,000 and (2) Water Trust Board Loan/Grant Project No. 134-WTB, in an Aggregate Principal Amount of \$400,000, Plus Annual Administration Fees Equal to 0.25% of the Outstanding Principal Balance Due in Connection with the Water Trust Board Loan/Grants, for the Purpose of Defraying a Portion of the Costs of the Buckman Direct Diversion Project (Finance Division)

MS. MARTINEZ: Mr. Chair, this is directly coordinated to two items that were approved. The loan grant agreements were approved on the Consent Calendar earlier this morning. What this basically does is memorialize how we intend to pay back our share of the loan that we're going to do jointly with the City as it relates to the Buckman Direct Diversion project. This is really good money, advantageous in the fact that it has very low administrative fees, and we are basically memorializing a debt service schedule so we can commit to the City how we can pay our portion of the loans, which in total are \$500,000 between the two loans. So I'll stand for any questions.

CHAIRMAN MONTOYA: Okay. Questions?

COMMISSIONER VIGIL: Move to approve.

COMMISSIONER HOLIAN: Second.

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

The motion passed by unanimous [4-0] voice vote.

XIII. B. Community Services Department

1. First Public Hearing to Discuss Santa Fe County's Infrastructure and Capital Improvement Plan (ICIP) for Fiscal Year 2012-2016 (Two Public Hearings Required) [Exhibit 5: Project List]

PAUL OLAFSON (Community Services): Mr. Chair, Commissioner, yes, we are presenting – this is a draft of the ICIP plan and it's a summary of the projects that have been requested. And I'll just briefly note that this is for fiscal year 2012 through 2016. We're required each year to submit a capital improvement plan to the Department of Finance and Administration, and then that plan is incorporated with all the other counties' plans into a larger document. That document is then distributed to the legislature and different state agencies and the governor's office for consideration of potential capital funding during the

legislative session.

And we have had eight meetings throughout the county, in the north, central and south regions, in different communities to collect community input. We've also solicited input from County staff from the various departments and divisions about their capital needs. The next meeting, the second public hearing for this we will also be requesting that the Board suggest a ranking of at least five projects. DFA requires us to have a top five priority. We can go beyond five priorities but we need at least an initial top five. In the last few years the Board has focused on kind of countywide projects that say, like the RECC, 911 Center, because that serves the entire county population.

I think we all know too this year the state financing is going to be very tight and we're not expecting a huge capital process or package at the state. In fact it might be a reverse capital process for the state but that will remain to be seen. This is the first of two public hearings. We are presenting this list now. The next public hearing will be on September 14th. We are still receiving requests from the community and from community members and we are continuing to do that through September 5th. And then we will bring a final package to you all prior to your 14th meeting, and we'll also include some suggestions of potential consideration for top five priorities.

And then just to briefly explain the spreadsheet I just handed out to you, the top or the first four pages with the green bar on the top, that is a combination of last year's ICIP as well as capital projects we're collated during our CIP process, and the CIP is part of the Sustainable Land Development Plan process. So we've kind of hybridized those two lists. And then on the fifth page, I believe, of this handout there's a page that starts with a blue line on the top. These are the projects we've received just in this year's capital request process. And there are some repeats within the two lists, and before the 14th list we will consolidate everything and provide a standardized list, but since we're still receiving projects we're in the process of getting it all together. The short answer is we have about \$198 million in requests between the two lists. We will consolidate that and bring you a final number on the 14th. And with that I would stand for any questions.

CHAIRMAN MONTROYA: Commissioner Vigil.

COMMISSIONER VIGIL: Just for – I'm going to request that you follow up. There's eight items that you've attributed to District 2 under Corrections/Youth, that I believe are not in my district. My district ends at Lopez Lane and Airport Road. And so I believe that Commissioner Anaya should be – it would be in Commissioner Anaya's district because he would be the remainder of Airport Road. So if you would double-check that, just for accuracy purposes.

MR. OLAFSON: Mr. Chair, Commissioner Vigil, we will do that definitely.

COMMISSIONER VIGIL: Also, at the very end of District 2 you have a transmission line. Can you be more specific about that?

MR. OLAFSON: I believe that's a typo. I would have to go back to my notes. I think it's a water transmission line and I'd just have to go back and attribute it to the right thing.

COMMISSIONER VIGIL: Yes. And maybe you could identify where, because you do have water transmission lines and part of the water transmission lines that are

needed in that district are with Agua Fria.

MR. OLAFSON: I believe the front end of that might have inadvertently cut off. But we'll double-check that and get back.

COMMISSIONER VIGIL: Okay. I just had those requests. And where is Jaymar Road? County Road 16A? Robert, do you know where County Road 16A is?

MR. MARTINEZ: Stanley.

COMMISSIONER VIGIL: It's in Stanley? So that would also go in a different district.

MR. OLAFSON: We'll make those corrections.

CHAIRMAN MONTOYA: You don't want that one?

COMMISSIONER ANAYA: Put that under mine.

MR. OLAFSON: We will. We'll make that correction.

COMMISSIONER VIGIL: Also, there's a correction under Santa Fe County Public Works to acquire two acres of land in the Eldorado area for office/staff, fencing, road paving and storage. That probably needs to go in Commissioner Stefanics's district. The problem is trying to combine these two lists from last year's list and the current CIP.

COMMISSIONER VIGIL: It's not a problem. I think you know it just clarifies it for the Commission in terms of what projects are needed in each one of their districts. So that lessens the amount in my district. Does that mean we could add on?

MR. OLAFSON: Commissioner, it's at your discretion.

COMMISSIONER VIGIL: Thank you very much. I'm in the same position you are, Paul, knowing that it would be nice to be able to – it's good to be inclusive because if there are dollars available they're going to be funded if they are on this. But I'm in agreement with you that the chances of that are remote. Thank you, Mr. Chair.

CHAIRMAN MONTOYA: Okay. Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. Paul, I just wanted to mention that under District 3, Camino Pacifico, Camino Sudeste and Camino Texcoco are in District 4.

MR. OLAFSON: We'll make that correction.

COMMISSIONER HOLIAN: Thank you.

CHAIRMAN MONTOYA: Any other questions? I just wanted to make a clarification, Paul, so that staff knows this as well. On District 1, Greater Chimayo, the water storage tank. They're requesting \$250,000 for that and we're also looking at requesting \$250,000 for the interconnect between Cuatro Villas and Greater Chimayo. The more important one, the priority that should be sought is the interconnect between Cuatro Villas and Chimayo because that would eliminate the need for a water storage tank or a much reduced size storage tank if Greater Chimayo still feels that they need one. But they would need a much smaller one because that interconnect would take care of a lot of the issues with water pressure and particularly feeding the fire hydrants that need that type of pressure. So just so that staff knows that should be the prioritization for those two.

And then on the Sombrillo-Arroyo Seco cloection.

MR. OLAFSON: I think that's another typo. I believe it's talking about a wastewater collection system.

CHAIRMAN MONTOYA: Okay.

MR. OLAFSON: I just misspelled the word collection.

CHAIRMAN MONTOYA: I learn something everyday. I didn't know what a cloection was. It's a technical term. And then on the – under the blue list, Santa Fe County wellness center in District 1? Is that a request that somebody made to build a wellness center?

MR. OLAFSON: Correct. There was a request at one of the community meetings, and it wasn't one that I attended but it was listed from staff.

CHAIRMAN MONTOYA: So you don't know where it was.

MR. OLAFSON: I believe it was at the Arroyo Seco meeting.

CHAIRMAN MONTOYA: Arroyo Seco. Okay.

MR. OLAFSON: La Puebla, Arroyo Seco meeting.

CHAIRMAN MONTOYA: Okay. All right. So this is a public hearing. We need to open it up for a public hearing. Is there anyone else who would like to comment? Okay. This public hearing is closed. So we'll have our next one when, Paul?

MR. OLAFSON: September 14th.

CHAIRMAN MONTOYA: September 14th. Okay. All right.

MR. OLAFSON: Thank you.

CHAIRMAN MONTOYA: Thank you.

XIII. B. 2. Request Approval to Purchase Two Fire Trucks Totaling \$937,060 Pursuant to Section 1 of Ordinance No. 2010-8 to Award the Contract Pursuant to a Price Agreement From First In, Inc. The Trucks Are Built By Pierce Manufacturing Utilizing the Houston-Galveston Area Council (HGAC) Cooperative Purchasing Agreement

DAVE SPERLING (Deputy Fire Chief): Thank you, Commissioner. The Fire Department is requesting approval to purchase these two fire trucks from First In, Incorporated using the Houston-Galveston Area Council purchasing agreement. This agreement is a government purchasing agreement that was instituted to reduce the burden of procurement on local governments and has been approved by the state of New Mexico for use by Santa Fe County. We have used this agreement to make purchases in the past, including most recently an ambulance for the Hondo Fire District, a wildland truck for the wildland division and a fire truck for the Chimayo Fire District.

We're asking for approval from the Commissioners today because the cost of these fire trucks exceeds the \$100,000 threshold established by County Ordinance No. 2010-8. These trucks will be assigned to the Hondo Fire District an the Agua Fria Fire District, and will be purchased using fire district impact fee revenue and state fire funds totaling the \$937,000 that's listed. Both of these purchases are in line with the department's capital improvement schedule as specified in our five-year plan 2010-2014. I just wanted to note that these trucks were carefully managed by the department's apparatus specs committee, which I chair, and the volunteer and career members on this committee spent many hours over many

months making sure that we were designing and moving to purchase trucks that would serve Santa Fe County for many years to come and were safe, durable and cost-effective. So with that I stand for any questions that you may have.

CHAIRMAN MONTROYA: Okay. Questions? Commissioner Vigil.

COMMISSIONER VIGIL: Thank you for bringing this forth and I'm glad we have fire impact fees. What share of this is impact fees and what share of this is state?

DEPUTY CHIEF SPERLING: Mr. Chair, Commissioner Vigil, for the Agua Fria purchase, it's 100 percent impact fees, and the Hondo purchase is primarily impact fees. I believe about \$60,000 of the Hondo purchase is state fire fund allocation, which is a grant fund.

COMMISSIONER VIGIL: Okay. And do we have to enter into an agreement to go through this procurement process and is that agreement something that has to be signed off by legal?

DEPUTY CHIEF SPERLING: Commissioner Vigil, I don't believe we have to go through signing any kind of agreement. We have used the purchasing cooperative in the past and as I mentioned earlier, it has been approved by the state for use by counties to simplify the procurement process. However, what's changed is the Ordinance 2010-8 now requires us if we make a purchase over \$100,000 we seek Board approval.

COMMISSIONER VIGIL: Okay. Does legal have a comment on this at all?

STEVE ROSS (County Attorney): Mr. Chair, Commissioner Vigil, as you know our ordinance, our new ordinance restricts buying off contracts unless the Board approves otherwise, but it seems to me, hearing what Dave said about the process, the committee process that was involved in making this selection that the issues that drove the adoption of the ordinance don't apply to this particular procurement. And to answer your other question, when you buy off a state contract it's done on a purchase order, not on a contract.

COMMISSIONER VIGIL: Okay. So we can move ahead with this. Move to approve.

COMMISSIONER HOLIAN: Second.

CHAIRMAN MONTROYA: Okay, I have a motion by Commissioner Vigil, second by Commissioner Holian. Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. Dave, just out of curiosity, what do you expect the lifetime of these trucks to be?

DEPUTY CHIEF SPERLING: At least 15 years as front-line, first-out engines.

COMMISSIONER HOLIAN: Thank you.

COMMISSIONER VIGIL: Will you be retiring any other trucks as a result of this purchase?

DEPUTY CHIEF SPERLING: Commissioner Vigil, we will be moving a couple of vehicles, not to retirement but basically to reserve, making sure that they're ready to go at a moment's notice but will not be utilized on a daily basis.

COMMISSIONER VIGIL: And where do those go? As needed or in the same site location as they're purchased?

SFC CLERK RECORDED 09/30/2010

DEPUTY CHIEF SPERLING: Generally, Commissioner, we keep those vehicles in the same fire district.

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

CHAIRMAN MONTOYA: Okay. Then are we saving money, Chief, by doing this? And if we are, how much?

DEPUTY CHIEF SPERLING: Commissioner, I believe we are. We've been working with a particular vendor through the purchasing process using HGAC and because we've been working for quite some time they have had two truck chassis on reserve for us, awaiting approval here. These are a little bit older chassis. Materials have changed as well as some of the design criteria that go into chassis. So they've told us that we're saving \$15,000 per vehicle by moving forward in this fashion.

CHAIRMAN MONTOYA: But they are brand new? They are new.

DEPUTY CHIEF SPERLING: Commissioner, that is correct. They'll be brand new, built to our specifications.

CHAIRMAN MONTOYA: Okay. And then are there any New Mexico companies that we could have looked at or did we look at? Or are there any New Mexico companies?

DEPUTY CHIEF SPERLING: Commissioner, First In, Incorporated is located in Albuquerque. They're the vendor for this purchase. The manufacturer is out of Wisconsin.

CHAIRMAN MONTOYA: Okay. So how did Houston –

DEPUTY CHIEF SPERLING: Commissioner, First In also operates out of Texas, so they have access to the Houston-Galveston area purchasing cooperative, as do many of the other fire truck vendors that operate in the state of New Mexico.

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

COMMISSIONER VIGIL: Where is Stan Holden?

DEPUTY CHIEF SPERLING: Commissioner, I believe he's still in Tennessee. He may be on his way back.

COMMISSIONER VIGIL: I was kidding.

The motion passed by unanimous [3-0] voice vote. [Commissioner Anaya was not present for this vote.]

XIII. C. 2. Sustainable Land Development Plan Update [*Exhibit 6: Presentation; Exhibit 7: Executive Summary*]

JACK KOLKMEYER (Land Use Administrator): Thank you, and good afternoon, Mr. Chair and members of the Commission. I'll be joined shortly by Robert Griego, our Planning Director. I'm going to be referencing of course briefly this afternoon the June 2010 draft of the Sustainable Land Development Plan. Also the presentation that we made to the CDRC last Thursday. These aren't in your packet. They'll be passed out to you momentarily. And also we have a recent executive summary of the plan that's gone from 12

pages to 4, so we're really getting good at this finally. I know that you've asked for this a couple of times and we'll provide that to you this afternoon also.

As you know on this past Thursday on the 26th the County Development Review Committee unanimously voted to pass on to the Board of County Commission the June 2010 draft of the Sustainable Land Development Plan with specific recommendations from staff, CDRC members, and County residents, including additional comprehensive comments and suggestions from county residents and community organizations. The CDRC also has forwarded on to the BCC a list of outstanding issues that they felt needed further and more detailed consideration, not by the CDRC but by the BCC as they consider them to be issues of considerable policy importance.

A special meeting workshop has been scheduled for all of you, for the BCC, on Tuesday, September 14th. That will be from 9:00 to 12:00 on that Tuesday morning. The purpose of this meeting that will also be open to the public will be to go over the entire plan with you, focusing on the intention of the plan and review of programmatic concepts and directives for each chapter of the document. Today, we're providing an updated executive summary to you of the current draft and a copy of that presentation that was made to the CDRC last Thursday.

Briefly, this is what was presented and discussed by the CDRC and the public during that meeting. What is the SLDP? Of course you're asked that a lot and we're asked that and as our discussion continued with the CDRC and have continued and probably will with you, this is a very important point because we wanted again to re-emphasize that the SLDP is a programmatic guide in 14 categories to be used by the BCC and County staff to guide policy making and to direct program development and implementation and fiscal balance over the next ten years. While it's land use oriented it applies to all activities and programs that affect infrastructure and public services and they in turn affect important issues such as economic development, road planning consideration affordable housing, open space, renewable energy, among many of the issues that you constantly have to deal with.

Secondly, the SLDP becomes the policy framework for the new land use code. What work still needs to be done on the SLDP? The CDRC realized that a number of difficult policy issues still remain to be worked out, but wanted to forward the existing document to the BCC, along with considerable written recommendations and suggestions from the public for final deliberation. The specific recommendations that the CDRC is passing on to you regarding the SLDP include redrafting of Chapter 1 to make sure that the concepts and the philosophy of the plan are clear. Secondly, to add growth management areas back into the plan. Those are the way that we geographically delineated the county – El Norte, El Centro, Galisteo and Estancia were the four GMAs, so that it's clear in the plan that specific geographic settings require uniquely defined systems.

Third, they're recommending that a more detailed section on regional planning be included, and as we know, we're getting more and more involved in issues in the southern part of the county, the northern part of the county, with the RPA that involve a very clear attitude on our part towards regional planning. Also, an extensive glossary of terms was asked for. We've completed the first draft of that and that will be passed on to you as well. But also to rewrite the principles of sustainable land development that are in Chapter 1 – this

will be part of Chapter 1, but again, the principles for sustainability were discussed quite a bit over the last six months in relation to the plan. What does sustainability mean? How do these principles then translate into specific actions and directives that you would be asked to make in the future?

And finally, the recommendation on reworking Chapter 12. Chapter 12 has had, probably, along with Chapter 11, the most comments from the public, and that's the adequate public facilities section of the plan and there are particular concerns about the cost of regulation, additional costs to the developers, builders of homes and homeowners, and also more information on impact fees, CIP and the cost of sprawl. This work, by the way, is ongoing right now with consultants who are probably going to have the bulk of this work back to us in a couple of weeks.

Those are the recommendations that will be going forward to you. The CDRC and the public also wanted to make sure that there are a couple of issues that got passed along to the Board for your deliberation. These have been very, very difficult discussions for us with the community and we have not resolved exactly what position we need to take on the plan and therefore how they might be dealt with also in the code. And these include the existing mining ordinance, particularly related to sand and gravel mining.

Secondly, the fiscal impact and the cost analysis of the plan itself, and ultimately the code. What new programs are we suggesting? What new studies and reports? What new staff members? We did not include that in this draft that you have of the plan, but we concur with that concern that we need to make sure that you understand how many new things are in this plan that are being proposed and what the cost might be.

And finally, in terms of outstanding issues, we are continuing to have a really positive and lively debate on the role of community and district planning. But as you know, we have curtailed any community planning that we've been doing until – we all agreed that until this plan was adopted we would not do anything further, either with existing plans or new plans, and we need to have that discussion with the Board members and make sure that we and the community understand when we'll start this program up again, when Estancia can start a district plan, which is one of the major concerns that they had in the southern part of the county. And also, again, is there still a continuing role for local development review committees – LDRCs – that topic has come up repeatedly, and also how will community planning relate to the new code?

So those are issues that Commissioner Montoya asked about a year ago to try to get everything worked out. And we've got four left, so that's not bad. But those are issues that we will really need to have further discussion on with you.

So we'll bring all this forward to you at our meeting with you on the 14th and the information that you will get prior to that will be – you'll receive a complete packet of current recommendations as I've just outlined most of them, and an extensive and comprehensive collection of all the issues raised by staff and the public. We've gotten a lot of feedback on the plan and we want to make sure you have an opportunity to look at that. And then we're also going to prepare for you as staff what we're calling a matrix of recommendations. So we'll take all the comments and we'll put them in a format that you'll be able to see the line or the page that they're on, and what the recommendations are. In some

cases there are three or four recommendations from staff and the public, with a suggestion from your staff on how we think that you might want to move forward with that.

So the plan was finally passed on to you by CDRC. It was a really incredible experience to have the opportunity to meet with so many people from the county again and to really, clearly understand what the differences of opinion are among some of our constituents and also to look at how difficult, again, figuring out ways to solve some of our problems are, and we look forward to bringing this information to you and working with you in the public hearings that we need to do with you with the communities again to adopt a final version of the plan, which we hope to do by the end of the year. That's our goal with you. So that's the update for the moment. We look forward to the workshop with you on the 14th and I'll be happy to answer any questions if you have any.

COMMISSIONER VIGIL: Questions? Thank you, Jack. Thanks for all your work. I actually have a few questions. We've been receiving emails with regard to the plan and actually documentation with comments and all. Are you also receiving those? For example, from the Realtors Association and are you able to respond to those?

MR. KOLKMEYER: Commissioner Vigil, yes. We probably get most of them. And usually what we look for to see who they were copied to and the fact that they were sent to you as a Commissioner to see if they were copied to us and if they haven't been, we have been getting some of the information from your constituent service folks. In every case, if they have requested to meet with us we have done so. For example, we're meeting with the realtors next week in a long session with them next week to answer the questions they've presented to us. We've met with not only just the meetings that we've had, like for example the ones in Stanley, but we're constantly meeting during the course of the week with different groups and individuals. So we try to get to them. If you think that perhaps there is something that we may not have seen, we would really appreciate that if you'd pass that along to us as well.

COMMISSIONER VIGIL: Okay. Thank you. I started reading this and then realized that there may be changes. I think I really want a product that has come forth with all the possible input that we've undertaken and I appreciate all of that. It's been a really ambitious endeavor. One of the things that's not really crystallized for me that is very much a part of our community is how we protect historical sites. And maybe you could shed some light on that. I know how we traditionally do it. If an archeological dig is required we go through the area that exists, but there are so many areas in Santa Fe County, north, south, that have historical sites, and I'll use the example of petroglyphs that are not protected. And Santa Fe County does take a real strong leadership in working with, for example, UNM on projects such as La Bajada and areas like that. But the areas that haven't been site-identified for historical preservation, how will the Sustainable Land Development Plan address those?

MR. KOLKMEYER: Commissioner Vigil, there's a whole chapter in there. I forget which number it is, on cultural and natural resources and we go into some detail in there. We've been particularly concerned about one. Well, two things. One is the identification of these sites as you suggest. So we're working to make sure that we map everything that we can map. In some cases with some of the cultural sites we can't show those publicly but we can accumulate that data and make sure that it's available so that if we

have development projects that come forth we can access that. And secondly, as came up I think with the Boys and Girls Ranch case that you all heard, there was some question about how we're notifying pueblos and what resources and capabilities we have as a County to start to look into some of these things and how to preserve them.

Of course if it's private property there's not really much we can do. We met with LANL last week to have a lengthy discussion on this for example, so we have to make sure that things like easements and covenants that come into play for those kinds of things. If it's publicly owned land in some regard there's a whole different process. But that's a really good topic and one that we'll spend some time with you on, particularly at the workshop on the 14th. I'll make a note of this so that we can make sure that we answer in more detail your concerns to let you know how we're doing that. But that's kind of an overview of how we deal with it at the moment.

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

CHAIRMAN MONTROYA: Any other questions? Jack, do I understand the recommendation from the CDRC was to approve what has been submitted and still consider other changes?

MR. KOLKMEYER: Yes.

CHAIRMAN MONTROYA: Or what exactly did they approve?

MR. KOLKMEYER: I'll go through it again. It's a little tricky. So let me just make an effort. It's a good question. Let me make sure that we all understand. What the CDRC approved was that this would be the base document that would go forward to you, because again, for us to make every little change and redo these documents over and over and over again would be huge printing costs. So we don't really want to do another document until we get more of the changes put in. So this will be the base document. But they recommended to you to go along with this that Chapter 1 is going to be completely rewritten, because there were a lot of problems with the definition of sustainability, the principles that were in there, a number of confusing issues. We're going to rewrite Chapter 1. So that will be coming forward to you.

CHAIRMAN MONTROYA: That will be coming to us on the 14th?

MR. KOLKMEYER: You'll get it before that, but that's one of the key things that will be done. You may recall that we used growth management areas – north, central, Galisteo and Estancia to have the original charette meetings. Well, it turns out that was a very good technique and a very good method to also look at what kind of water system should be there, what are the differences in relying on groundwater and surface water and transportation. We're going to put the growth management areas back into the plan. That was another of their recommendations.

We didn't have a very good section on regional planning. In the course of the deliberations with CDRC they suggested a rewriting and addition of regional planning into the document. We've done that. A glossary of terms will be provided to you because it kept coming up – what do you mean by such and such a term. So we've done that. The principles for sustainable development called binding principles, also in Chapter 1 will be rewritten, and there was considerable concern and some missing data and information on Chapter 12.

So those things will be redone. Then, we'll have to go over really, line by line, page by page, everything that's in there and that's what we'll do through the correspondence that we've gotten from community members and organizations. We'll do that with you in what we're calling a matrix of recommendations. We'll lay everything out. So for one issue it might have four different points of view. We'll lay that out very clearly for you and then we'll give you a recommendation from staff.

CHAIRMAN MONTOYA: Okay.

MR. KOLKMEYER: But there's still three issues that need to be discussed in depth with the BCC, and that's mining, the fiscal impact of the plan and code, and community and district planning. We haven't finalized or worked with that because there was a feeling that there's a lot of policy issues still embedded in those particular issues and that you needed to have a chance to really discuss them with the community. So is that clear?

CHAIRMAN MONTOYA: Yes. Okay. Any other questions? If not, we'll move on. Thank you, Jack. Thank you, Robert.

MR. KOLKMEYER: Thank you. Look forward to the meeting on the 14th.

XIII. D. Public Works Department

1. Presentation, Discussion and Possible Action on the Draft Comprehensive Solid Waste Management Plan – Facts, Conclusions, Recommendations (Santa Fe Waste Management Agency, Zia Engineering)

RANDALL KIPPENBROCK (SWMA Director): Good afternoon. Also with us today is Richard Hertzberg with Zia Engineering. We're here to give you a presentation on the comprehensive solid waste management plan, basically, the conclusion, recommendations, guiding principles, and what we have come for so far today. What I'm going to do is give you a little history of what we have done.

About a year and a half ago we started with the idea of developing a comprehensive solid waste management plan and we selected Zia Engineering to be our consultant to help us prepare this plan. In the process we developed a Solid Waste Advisory Committee that consists of 17 entities of 22 members and we had four meetings and from those meetings we had discussions on what is important in terms of how we can have a solid waste plan that the County, City and the agency will be able to work together. The key component of all this is to be able to increase waste reduction, recycling and other forms of diversion as well as to continue to provide reliable disposable capacity, provide long-term financing for programs, equipment and facilities of entire systems. That's referring to the agency at the Caja del Rio Landfill and the Buckman Road recycling and transfer station, clarify the roles and responsibility of the three entities and last but not least, education by all three entities.

In your packet you have a project structure and schedule, what we have done through the timeline starting off with the Solid Waste Advisory Committee, through the four meetings that I just mentioned. Currently we're down toward the latter part of this. Before we put the plan to the other we are presenting to the BCC at this moment and tomorrow we'll be talking

to the City of Santa Fe, the Public Utilities Committee getting their feedback on the various options to the plan. Once we get that feedback we will assemble the plan then present it one more time to the SWMA for review. Then Zia Engineering will assemble the plan as final and hopefully what we'll do is have the plan approved and adopted by the agency, County and the City in November-December.

Richard will spend some time on guiding principles and priorities along with recommendations. What I would like to do, in front of the podium, on the right-hand side is Part A, financial incentives and funding mechanism, I'd like to explain what those mean. Essentially when you have existing programs or add new programs, such as recycling, etc. they need to be paid for somehow, either through tip fees at the landfill or through reduced fees to pay for those particular programs. A good example would be for the greenwaste program that we have at the transfer station. It has a \$20 per ton tip fee versus a \$33.50, soon to be \$35 per ton tip fee at the landfill.

The next bullet point is establishing flow control within Santa Fe County. What that is essentially saying is once the plan is adopted we would like to see the County and the City take on its role to revise its solid waste ordinances, or appropriate ordinances, such as planning, land use. When it comes to construction or large renovation projects that they use the agency facilities to dispose of the waste or to recycle the waste. And flow control can also be explicitly telling the large private haulers, for example Waste Management or other large private haulers, to use the facility at the agency. And the last bullet point is accept out of county waste. Again, what that would be is having a resolution between the agency and the County and the City to allow out of county such as San Miguel, Rio Arriba, Taos and Los Alamos County, have some form of agreement as per our joint powers agency agreement to allow the agency to accept solid waste from those areas. Not necessarily with a particular entity or private hauling company but just open the gates besides Santa Fe County in that area.

That's what Part A is about. And Richard Hertzberg will talk about Parts B, C and D as well as everything on the right-hand side of the presentation.

RICHARD HERTZBERG: Thank you, Randall. Again, I'm Richard Hertzberg with Zia Engineering. I'd like to first mention on the advisory committee, we have two representatives from the County. That's Robert Martinez and Olivar Barela. I think they're both here today. I wanted to thank them very much for their contributions to that committee. Also, we've made similar presentations to the board of the agency on which three of the Commissioners are representatives so to some extent today we're kind of reviewing and refining what those members have already heard. We're not asking for any decisions today. We're asking for feedback or for you to think over what we're presenting, and then as Randall mentioned we're going to develop the draft plan and then hopefully move towards adoption of the plan by the end of this year.

The recommendations – you have two packages, again the power point and then another package that was passed out today which get into the recommendations in a little bit more detail. I'm not going to cover every one. I'm just going to try and highlight them. But we looked at two or three basic criteria on these recommendations. One is to keep the costs as minimal as possible, given the current and what is likely to be future financial constraints.

Another criterion would be can it be implemented within the next one to three years, and then a third basic criterion is does this address a critical need in the solid waste system of the entire county?

So keeping those in mind, what I'd like to do is cover again some of the selected recommendations, starting on the first page of your more detailed handout. We are recommending that the agency hire a recycling specialist to work with existing City and County staff. We think that's going to be needed to carry this program and these recommendations forward. We're also recommending that all three entities, basically on a countywide basis adopt a set of goals over a certain period of time for recycling, probably quantitative goals to be determined by the personnel involved from the three entities. We're not going to really necessarily specify a goal, although it is important to note that the City of Santa Fe already has a recycling goal of 33 percent by 2012, a fairly ambitious goal to say the least.

We're also recommending in terms of the County seven convenience centers, that the County take a look at ways of increasing the convenience and access for recycling there. Those were items that were mentioned by the county at-large residents on our advisory committee. This would primarily be looking at maybe improved access, signage, stairs, and increased promotion.

On the second page, excuse me, page 3 of the supplementary handout, in order to push recycling on a countywide basis we're recommending that the agency adopt a ban on the disposal of certain types of materials, and I think Randall can probably address this a little bit more. That would be an umbrella policy coving the entire county. It would designate certain recyclable materials that would be prohibited from disposal at the landfill. That would then in turn be translated by the City and the County into appropriate policies or actions at the City and County level and provide basically motivation or impetus for the City and County to move ahead more aggressively. We don't envision garbage police if that comes to mind; we envision some sort of very gradual implementation of this at the landfill and an education effort that would go along with it. But it would apply to not only City and County collection but private haulers as well. Everybody collecting waste, everybody collecting material in the county and delivering it to the landfill.

Specifically for the county unincorporated areas, as you're obviously aware, you have seven convenience centers but there's a lot of privately collected, privately hauled waste in the county unincorporated areas that is essentially outside of your control. So we're recommending that in order to increase recycling you may want to look at the feasibility of establishing a more organized approach to handling waste and recycling within the county, which would involve establishing franchises or exclusive service areas and we're not recommending that you go do that. We're recommending that you do an internal assessment of the costs and the benefits, advantages, disadvantages of doing that kind of approach as a supplement or even as an alternative to the convenience centers. We're not contracted to do that in this; we're suggesting that that would be a separate effort subsequent to the adoption of the plan.

Under the promotion area we're also recommending that the agency hire a promotion specialist again to work in cooperation with the City and the County staff and to help

coordinate those efforts. And we've listed some of the various activities that that person could engage in again with the City and County staff. Randall's covered some of the main financial components of the set of recommendations. All these recommendations are designed to work together as a package, to reinforce each other, so you're essentially adopting a package of recommendations that we would then proceed to explain in further detail in the draft plan, then bring that back again to the advisory committee. I would say that what you have in front of you has received the support of the board of the agency so far and I think it's fair to say it's reflective of the opinion of the advisory committee as well. So with that I'm going to conclude my remarks and answer any questions.

CHAIRMAN MONTROYA: Any questions for Richard or Randall? Any questions or actually comments? Commissioner Vigil.

COMMISSIONER VIGIL: Thanks. Richard, thank you so much for all your work and Randall, I'd like to thank all those participants of this committee who provided such valuable input and all the consultants associated with it. I actually think the recommendations, particularly the franchise situation or the separate site settings for recyclables is something that could easily be explored. And I think we can gather some data just from private enterprise at this point in time with regard with what is occurring there. It might even be another sustainable approach towards solid waste management.

So I appreciate hearing that from a committee who's had the opportunity to discuss it. It's sort of been something that's been swimming in my mind and I suspect that this presentation will go before the City and SWMA. Unless I missed the SWMA meeting – did I miss the SWMA meeting that this was presented at?

MR. HERTZBERG: These are basically the same recommendations that I think we presented a couple of SWMA board meetings ago. At that time I think you directed us to kind of narrow them down and prioritize them and so we've made an effort to do that. But this will be the exact same presentation tomorrow to the City.

COMMISSIONER VIGIL: Okay. Thank you very much, and Randall, I just, based on your expertise on this would like some staff input with regard to direction on these recommendations, perhaps at our next SWMA meeting too. Thank you, Mr. Chair.

CHAIRMAN MONTROYA: Okay. Thank you, gentlemen.

XIII, D. 2. Update of Valle Vista Wastewater Project.

MR. GUERRERORTIZ: Mr. Chair, Commissioners, thank you very much for the opportunity to update you and tell you where we're going with this project. As you know, it's been in the works for several years. The idea is to replace the existing wastewater treatment plant that serves the community of Valle Vista, a community that is modest income, and the County had the best interest in mind when they bought the plant or when they took over the facility. The wastewater treatment plant is an old one. It's a package plant, activated sludge, fixed ended air. It takes a lot of work. It takes a lot of man-hours to maintain. It takes a lot of juice and it takes a lot of money to keep it running. It seems to be always on the brink of violating our permit, our NPDES permit, because we do surface

discharge for that plant.

So we have been working on ideas to replace our facility, and at one point we thought we had the best answer by providing a facility that would be placed on the same site but that would have the ability to treat six times the capacity this facility has at this point. The idea was that would become our regional facility. One problem with that regional facility would be that 90 percent of the waste coming into that regional facility would be pumped into the facility, which means a very large carbon footprint if you're pumping everything rather than having it flow by gravity.

So as soon as I took over the job that I have today, and that was presented to me as one of the highest priorities, I started moving in that direction but it was impossible for me to make any commitments as to having a facility by June 30th of next year, which is the limit I have in place by the small contribution that CDBG was making for the facility. At one time the idea of this \$300,000 facility was something that was anticipated as costing about \$4 million. Well, we had arranged for \$3.2 million, including the half a million that was going to be contributed by CDBG, which by the way could not be used for design or planning or anything like that, but for actual capital improvements.

So the only other option that we had to have something in place that quickly was to either replace the existing facility with something of the same size or slightly higher in capacity that would have cost about \$2.5, \$3 million. And by the way, because of the tight schedule, there was no way that I could guarantee that I could have that facility in place by June 30th of next year. So I thought of an additional alternative, which had been considered in the past; it was not my idea, and that was pumping the waste from Valle Vista and the immediately easternmost community to the east or parcel of land to the west. That would be what Mr. Paul Parker owns right now which would be the total basin or the total contributing area for this pump station, and pump that to the existing lift station, so there would be two pumping stages. The existing lift station of Thornburg or what is called also the Turquoise Trail Business Park, which is a facility that we're in the process of transferring ownership at this point. This is something that I'll be bringing to this Commission soon.

So that facility in turn would pump it to the City of Santa Fe's wastewater system. I have had recent conversations with the City of Santa Fe about this issue, especially in the context of having to do that or having a mechanism to allow this transfer of wastewater at different points in the service area, which is as you know from the recent experience with Harry's Road House for instance, is something that in some cases is going to be of benefit to the County and the City at the same time. So they are, at least at the staff level they are agreeable. The idea is something that they will support, because it also represents or would represent to the City a favorable decision in the sense that the water coming from this facility, from this pump station back to the City system, once treated at the wastewater treatment plant would become part of their water portfolio. And the City is something that sees that they need to keep in mind at all times.

So my proposal or my concept at this point is to build that lift station, which I think I can put in place by this time next year so that we can pump the wastewater back to the City. It will cost approximately \$1 million, which is in the best case scenario about a million and a half less than what a wastewater treatment plant would cost, a wastewater plant of the same

capacity as the existing wastewater treatment plant.

And we would get away from having to maintain a facility that discharges on the surface, maintain an NPDES permit, a federal permit, and perhaps become a much better neighbor also to the community of Valle Vista and the growth that will occur in the lands south of Valle Vista in the near future. So that's in essence what I say in my memo to you and I hope that clarifies any questions you may have. If not I'd be very happy to stand for questions.

CHAIRMAN MONTOYA: Okay. Questions? Okay. Pego, thank you, and we'll just look forward to updates in the future then.

MR. GUERRERORTIZ: Thank you.

XIII. E. Matters From the County Manager

MS. ELLIS-GREEN: Mr. Chair, I actually don't have any matters today.

CHAIRMAN MONTOYA: Okay. Nothing going on, eh?

XIII, F. Matters From the County Attorney

1. Ordinance No. 2010-11. An Ordinance Amending Ordinance 2010-8 By Repealing Section 7, Construction Management (Public Hearing) [Exhibit 8: Memorandum]

MR. ROSS: Mr. Chair, we have item number 1, the proposed ordinance amending 2010-8 and Rachel Brown is going to handle that item.

RACHEL BROWN (Deputy County Attorney): Good afternoon, Mr. Chair, Commissioners. Back in June we adopted an ordinance that put in place new procurement procedures. One of which was a requirement to hire a construction manager to oversee construction projects with a budget in excess of \$250,000. At our last meeting you requested that I publish title and general summary for an amendment to the ordinance repealing the requirement that we hire a construction manager for projects in excess of \$250,000. That publication took place and I have drafted the necessary amendment.

At the last Commission meeting there were also suggestions of alternatives to deletion of the construction management requirement and so I have also drafted a couple of alternatives if the Commission wanted to consider alternatives to that deletion. I would like to hand out a packet with those alternatives and describe it to you after I've handed it to you. [Exhibit 8]

The first draft ordinance in this packet is the provision that deletes the requirement for construction management. The second is a suggestion that came forward from staff which was to simply increase the dollar amount at which construction management would be required, so that only projects that were in excess of a million dollars would require construction management. That is the second alternative in the packet. The third alternative provides that projects that were already funded and ready for construction at the time we

adopted the ordinance would be exempted from the construction management requirement but all future projects would continue to have a requirement for construction management if their budgets were in excess of \$250,000. And the fourth alternative in the packet was a suggestion from a Commissioner that the County Manager make a determination for any construction project as to how construction management would be provided. Would it be through staff that the County hires that has the ability to provide construction management? Would it be through funding from the County, or would we require any outside benefiting organization to provide the funding for construction management services?

Again, what I was asked to provide title and general summary for was deletion of the requirement but I did want to provide you with alternatives as well. And I'd be happy to answer questions about the drafting.

CHAIRMAN MONTOYA: Okay. Questions? Commissioner Vigil.

COMMISSIONER VIGIL: I guess more a comment with regard to this. I do think we need to delete the requirement but I think the direction and why you've come forth with some of these recommendation is because we also recognize the benefit of a construction manager. So I'm wondering if a hybrid of the proposed recommendations you have might be able to work. That is, could we adopt an ordinance – first of all, do we have to have another hearing on this?

MS. BROWN: You could take action today.

COMMISSIONER VIGIL: Okay. Then I'm wondering if – I actually think exemption from the current projects is a really appropriate and reasonable thing to do. I don't think that any of the projects that we have now had any sense of anticipation or any of those projects budgeted for construction manager. I think we need to be able to predict and to include a construction manager through budgeting for future projects. So my recommendation is that we create an exemption for the current projects – and I know there was a discussion last time as to how many those are. I don't know if that's still something that would be difficult to gather information on. I know it would include roads and buildings. The buildings seem pretty straightforward. I don't know what roads are in the pipeline for this or where we draw the line, particularly because we have some funding for some roads and not all funding for a particular road. So I think that when we do have funding the exemption should be created. So my recommendation would be to do that.

I also think that construction management does need a limitation and I think the million dollar recommendation tape is also appropriate and reasonable for projects under a million are rate. They're very, very rare. I'm thinking of the projects we've had in the time I've been here and I can't even think of one that's been under a million. And I'm open to any enlightenment on that. I actually think we need to make that requirement but the problem we had with this particular issue was when many of these projects received funding through the state legislature, the state legislature does not allow for these dollars to pay for a construction manager. So what other counties have actually done with regard to this is they've included construction or operations or whatever in their budgets. For example, if a project comes to us to get funded, all of that is known up front, so whoever is requesting the funding can work with the County with regard to how that gets paid. And in many cases it's a joint effort, or in some cases it is placed on the applicant who is actually looking for that.

So I do think we need to include that in a budgeting process and I think in this hybrid we can allow for the County Manager to determine how that can be done. And I think each project that comes before us may need to be assessed independently. Many of these projects are non-profit so they're not prepared. That's why they get money from the state legislature is because they're not capable of raising the amount of dollars necessary for these construction sites. So if there's a way that that could be negotiated through the County Manager. I guess I'm recommending all four. We will delete the construction manager, but deleting it doesn't satisfy the issue. We will need to, I think, exempt current projects, and we will need to include all future projects with a construction manager and to allow the County Manager to negotiate how that would be paid for. Is that possible?

MS. BROWN: I need a little clarification. I think what you're asking is that we move forward with the deletion today and that I come forward with a hybrid proposal in the future that would exempt construction projects that have been in the pipeline before this ordinance began, and would increase the limits of when a construction manager is required, and that would allow the County Manager some discretion as to when to impose the financial obligation on outside entities as opposed to budgeting for ourselves.

COMMISSIONER VIGIL: So if the only thing we can take action on today, based on title and general summary is to remove the construction manager that would be – that's what I would move forward with in the form of a motion, Mr. Chair, and give staff direction to come forth with further recommendations for further discussion on this. So my motion is such. Is that appropriate?

MR. ROSS: Mr. Chair, we are going to need a public hearing, if we're going to –

COMMISSIONER VIGIL: So I'll reserve my motion until anyone wants to comment on this.

CHAIRMAN MONTROYA: Okay. Any other comments? Commissioner Anaya.

COMMISSIONER ANAYA: Thank you, Mr. Chair. So I'm just trying to understand all this. You're saying that we eliminated construction management for projects? Any projects? We had eliminated that?

MS. BROWN: You had requested that I bring forward to you today an ordinance that would eliminate that requirement.

COMMISSIONER ANAYA: Eliminate construction manager on projects.

MS. BROWN: That's correct.

COMMISSIONER ANAYA: And why would we do that?

MS. BROWN: My understanding, Mr. Chair, Commissioner Anaya, my understanding of the request was that because state appropriations cannot be used to fund construction managers and because many of the County projects did not budget for construction managers there were concerns that the ordinance would inhibit projects that were already underway.

COMMISSIONER ANAYA: I got you. Okay. That was going to be my question. So if we're required then where does the money come from, and it probably comes from general fund, right?

MS. BROWN: I don't think anyone has determined where the money will come from.

COMMISSIONER ANAYA: Okay. So, if let's say, a project costs \$250,000, the money that we get from the state, like Commissioner Vigil mentioned, we would not be allowed to use that money for a construction manager.

MS. BROWN: Correct.

COMMISSIONER ANAYA: Even though – what if the person that bid on that project got awarded the bid of \$250,000, then that money, then there would be a construction manager on the job, correct? But not a County construction manager? Correct?

MS. BROWN: If a contractor bid on the job and included construction management in their bid, the bid includes that. However, the state appropriation funds cannot be used to pay for the construction management component of that bid.

COMMISSIONER ANAYA: Okay, so then – so in order – the reason we brought this forward is because we don't have no money. So we're going to award a bid and nobody's going to look after it. Is that – who's going to look after the job?

MS. BROWN: There would be no construction manager in place to look after the job.

COMMISSIONER VIGIL: There's the project manager that we currently have in-house that are currently overseeing. The job of construction manager adds an additional objectivity to oversight, correct?

MS. BROWN: Additional objectivity and expertise.

COMMISSIONER VIGIL: Right.

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

CHAIRMAN MONTOYA: Okay. And on the point of not being allowed to use that money for construction management, why not?

COMMISSIONER VIGIL: I can answer that. Because those dollars are severance tax dollars that come through the capital outlay process at the state legislature and those by state statute are dedicated only for bricks and mortar.

CHAIRMAN MONTOYA: So those are only severance tax funds then. If we get an allocation from the general fund –

COMMISSIONER VIGIL: Now, if the general fund does allocate us, then in fact if the language is specific to be used for other purposes than bricks and mortar, there is a junior bill in the general fund that gets allocated some funding but that is going to be more and more rare. And I even think severance tax dollars are going to be rare. None of the projects that we have have any allocation beyond severance tax dollars. There are some that have some general fund dollars but those general fund dollars are not specific to operations. I think they're intended specifically for infrastructure – bricks and mortar.

CHAIRMAN MONTOYA: So the majority of the funding that we have right now is severance tax bonds.

MS. BROWN: Correct.

CHAIRMAN MONTOYA: Oh, okay. But the possibility does exist for general fund money, if we get general fund money, which we have in the past.

COMMISSIONER VIGIL: We have, but as I said –

CHAIRMAN MONTOYA: To allow construction management to be paid from those dollars.

COMMISSIONER VIGIL: And maybe that's something that we can work with our County Manager who is probably far more astute on how this would happen in terms of creating the language through the bill that allocates the funding for those purposes, through the general fund.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN MONTOYA: Commissioner Anaya.

COMMISSIONER ANAYA: So you're asking – we have this in an ordinance already, correct?

MS. BROWN: Your ordinance currently requires the hiring of a construction manager for any project in excess of \$250,000.

COMMISSIONER ANAYA: So the reason we're trying to take it out is because we don't have the money and our projects are just sitting there.

MS. BROWN: There are projects that do not have money for the construction manager and couldn't move forward with that provision.

COMMISSIONER ANAYA: So we can't move forward. Okay. So then my recommendation would be to eliminate the project manager position, which was one of these, and anything over – you specified anything over \$250,000? Or anything over \$1 million?

MS. BROWN: The publication of title and general summary was for elimination of construction management completely. However, there is an alternative that I've presented to you which is alternative number 2 which would require construction management services for any project in excess of \$1 million.

COMMISSIONER ANAYA: Then I would say eliminate it completely and not put any \$250,000, \$1 million in there. That's where I'd go with it. Thank you, Mr. Chair.

CHAIRMAN MONTOYA: Okay. Other questions? Okay. Is there anyone out there who would like to speak on this? Okay

ELLIE EDELSTEIN: My name is Ellie Edelstein and I'm just a recent board member of Esperanza.

SHERRI TAYLOR: I'm Sherry Taylor, the executive director for Esperanza Shelter. And I think what we'd like to say is for nearly seven years we've been working with capital money to get a new administration building for Esperanza Shelter. And there have been issues over and over, new ones and old ones, and with this ordinance that came in in June it would put us back so far if we had to do this. First off, it would cost us money we haven't got budgeted or probably don't have in our accounts, but also it would set us back so far that it would put us into the new legislative session where the money would probably be needed somewhere else. So for us to have this ordinance attached to our funding would mean that we would lose the money and we would lose the building and the services would be in trouble. So we're just hoping that it could be adjusted to whatever the Commissioners and the County would like to adjust it to, but right now it's carrying a really heavy weight on our project.

CHAIRMAN MONTOYA: Okay.

MS. EDELSTEIN: I would just add one thing, and I probably familiar looking

to a few of you because I have been on the board for over seven years. We're this close, this close, and then in June this ordinance came out of nowhere and here we are in August and we haven't made any progress because of that. So this is just a plea for the people who need these services. The administration building also is a non-residential counseling building for survivors of domestic violence and their children. So there's just a lot at stake. So we would just like your help in resolving this. Thank you.

CHAIRMAN MONTOYA: Thank you.

MS. TAYLOR: Thank you all so much for being here.

COMMISSIONER VIGIL: Thank you. Mr. Chair, if I might comment. I think if there's any project that probably would not need the construction manager it would be Esperanza because of the nature of the project, a pre-manufactured building that we're looking forward to making that project happen. I really appreciate Esperanza's patience on this. I think our project managers are perfectly capable of providing the oversight on that. There will be and there have been projects that the construction manager would be necessary. But with that, Mr. Chair, I'm ready to make a motion on this.

CHAIRMAN MONTOYA: Is there anyone else before I take a motion that would like to speak? Okay, Commissioner Vigil, this public hearing is closed.

COMMISSIONER VIGIL: Okay. I move that we delete the construction management service requirement in the ordinance, and that staff be given direction to come forth with alternative resolutions that might be necessary for future projects.

COMMISSIONER HOLIAN: Second.

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

The motion passed by unanimous [4-0] roll call vote with Commissioners Anaya, Holian, Vigil and Montoya all voting in the affirmative.

XIII. F. 2. Ordinance No. 2010 - ___, an Ordinance Enacting a Santa Fe County Code of Conduct and Repealing Ordinance No. 2004-3 (Public Hearing) [Exhibit 9: Draft Text]

MR. ROSS: Mr. Chair, we've talked about this I think now twice previously. The first occasion was in late June. I presented you an initial concept draft of changes to the County's existing code of conduct and earlier this month, first meeting of the month, the board authorized publication of title and general summary of the draft you have in front of you that Penny's just passed out. [Exhibit 9] As I said, the ordinance actually makes changes to an existing code of conduct that the County's had in place since actually the mid-nineties which is a quite comprehensive code. It had some missing elements and shortcomings that we hope we've addressed in this particular document, and I'll explain some of those as we go through it.

As you recall, on the initial draft, and you can still see it on this interlineated version, there were a number of new sections inserted into the existing code of conduct and those are

SFC CLERK RECORDED 09/30/2010

indicated with the word “new” beyond the section name. Since the meeting last – three weeks ago I have received a lot of comments from Commissioners and from others and a number of suggestions on how to improve that draft and I just thought I would go through some of those items with you now so you know what the changes have been.

The first change is in Section 4, Definitions, #B. The earlier draft – later in the ordinance the ordinance prohibits officials, employees from taking anything of value from a person who has a contract with the County or an application pending or whose interest can be affected by the County. Initially the draft you saw three weeks ago just included meals. The state excludes meals that are below \$25 in value and that don’t involve alcohol. The suggestion was made to me by a Commissioner that we follow that standard, and so that’s now in your draft. This will make it less awkward and troubling for County employees and officials dealing with persons in social settings and exempts a *de minimis* amount of meals so long as they’re non-alcoholic.

The same thing is true of transportation-related travel expenses. The state exempts trips of \$50 of value. This will preclude any difficulties going and taking a look at things that we do occasionally with vendors or persons who have applications in front of us or the like. So those two changes would conform this section to state law. I’ve made a few minor corrections that I won’t go into.

The next big change is the next page, page 3, the definition of financial interest. If you would turn to page 3 and also open up to page 5 and look at Section 9, Prohibited Financial Interests, because the two work together. The language of the Governmental Conduct Act after which this is based is pretty difficult to work through, so what I’ve done since the last meeting is try and simplify this so that the average person can understand it. So if you look at Section 9 on page 5 you’ll see that all of us, if this ordinance becomes law, all of us are prohibited from having a financial interest in something. Financial interest is defined back on page 3 in a number of ways. One of which is to having an ownership interest in a contract with the County, or an interest in the sale of real or personal property to or from the County, a financial relationship with a person that exists because of the County’s regulatory authority, for example, a land use case is a perfect example of something in that category. Other interests, in particular employment, prospective employment.

So those are defined as financial interests in the proposed statute. Now, if you turn back to page 5 you’ll see that I’ve added a clause at the end of that sentence there that is subsection A of Section 9, and it reads, “No elected official, appointed official, employee or volunteer shall have a financial interest if the elected official, appointed official, employee or volunteer is in a decision making capacity and has the capacity to affect the outcome of the matter in which a financial interest exists.” The problem with the governmental conduct act is if you have a financial interest of any sort – let’s say you’re an official with the State Department of the Environment, and you have an interest in a dog catching business or something that does business with the Department of Public Safety. That would be a prohibited financial interest under the Governmental Conduct Act and you’d have to divest yourself of that interest or put it in a trust or something. Well, unless you have a decision making role with respect to the dog contract it doesn’t make any sense if you’re working in Environment to have a financial interest with respect to the state. And the same thing exists

here at the County. In my view at least it's not fair to preclude financial interests that have nothing to do with your decision making role. So that's something I throw out there that cropped up during the editing process and I got several comments about the difficulty of that rule on persons.

So for example, let's say there's an appointed official with the County, let's say on our COLTPAC or something like that and they serve on the COLTPAC, but they also occasionally perform surveys for the Land Use Department. Had I not made this change that person would not be permitted to serve on COLTPAC and do surveys for the County and it to me doesn't make any sense. So I've made that change and we can debate that if you'd like.

Moving on through the draft, you'll see in Section 9 on page 5, the B that's showing as new text there, that just came – it got moved up from below, from Section 10 where it originally was.

Turning to page 10, Political Activity. This is a new section that in large part came from an ordinance that Bernalillo County adopted a year ago, and you'll see that there are certain campaign contribution limits listed there, \$2300 for primary, general or special election. That is of course state law that will take effect in early November.

Moving on, if you turn to page 14, as you'll recall we included a County Ethics Board in the new ordinance. Previously, any ethics violations under the ordinance had to be reported through a process to the Board of County Commissioners and then the Board of County Commissioners would serve as an Ethics Board and deal with the complaint. Bernalillo County has set up an independent Ethics Board and so has the City of Santa Fe, so that principle is included here; there's an independent Ethics Board. In the previous version of this ordinance we also copy the language from Bernalillo County that required the County's auditors to review all of the ethical complaints and to make an initial determination where the complaint was valid on its face or not and if it was valid on its face it would be forwarded to the County Ethics Board for a hearing. We discussed this with our new auditors. The County has new auditors for two years and they're unwilling to take that on, unlike the auditors that Bernalillo County currently has. So we'll have to eliminate that requirement. For the time being, the ordinance provides that all complaints will be filed at my office and they'll be just forwarded to the County Ethics Board for further proceedings without any kind of a determination of whether there's merit to the complaint or not.

Going on to the *ex parte* communications section – actually on page 18, I heard the concerns expressed at the last meeting about this section and so I've added a paragraph that came from an ordinance in another state, and it says – as you recall the *ex parte* rules have developed in federal and state constitutional law over time and preclude the fact-finder from gaining facts outside the context of the hearing, and so that includes direct communication with applicants outside the presence of the other applicant or other evidence that's obtained by board members outside the hearing and outside the presence of the opposing party. But the constitution does not require people to – officials who are in charge of administrative, adjudicatory cases to leave their viewpoints on different things behind when they come to a hearing. So I added 2. here to clarify that this is not a hard and fast rule and it depends on the facts and circumstances. The new 2. would provide, if this is an acceptable amendment, that an elected official or appointed office shall not be required to recuse himself or herself in any

pending administrative adjudicatory matter merely because the official possesses and discusses general viewpoints on public policy that an application may raise.

And similarly, an elected official or appointed official shall not be required to recuse himself or herself in any pending matter merely because the elected official or appointed official made representations during a political campaign on viewpoints of public policy that an application may raise. This illustrates the principle that's in the subparagraph A. Any issue with a *ex parte* communication has to allege that an official has personal bias or prejudice and cannot judge the facts objectively. This is the corollary of that. An official or a person charged with dealing with an administrative adjudicatory matter can have general viewpoints on things but also needs to state, verbalize and demonstrate that they are going to treat the application impartially.

This happens all the time. When there's an issue raised that an official is impartial, if the official states on the record that they are in fact impartial and they can judge the facts of the case impartially and that they have no pre-judgment of the facts, that's the end of the story. So I didn't want to leave the impression in Section 27 that any communication or any contact with the facts and circumstances would lead to an automatic finding that an official is disqualified from judging the case; it's not true. An official is only required to recuse themselves if they have pre-judged a case. So this paragraph is in there to help make that very clear that this is not a hard and fast rule and it depends on the facts and circumstances and the statements of the official in question.

Now, moving on, the bottom of page 18, this is a suggestion from a Commissioner, and it really relates to the management of the County. And we can talk about this. This actually, Section A of this proposed section comes right out of the City of Santa Fe ordinance, and it essentially says that the Board of County Commissioners are not to interfere in the administration of the personnel system, that that job is the responsibility of the County Manager. And secondly, in paragraph B it has the same exact statement which is not in the City of Santa Fe ordinance concerning general management functions of the County Manager. And I've tried to include some caveats in that paragraph so that the Board's authority to make important policy decisions and approve budgets and expenditures and sign contracts that are outside the County Manager's signatory authority and other matters in the discretion of the Board of County Commissioners do not apply to this section.

So those are the changes from the previous version and I stand for questions at this point.

CHAIRMAN MONTROYA: Okay. Questions for Steve? Commissioner Vigil.

COMMISSIONER VIGIL: Clarification on the *exx* communication, Steve.

Am I to understand that this new language allows for *exx* communication so long as the position isn't stated and policy is just discussed?

MR. ROSS: The new paragraph clarifies that a Commissioner can have a viewpoint on the policy implications of a particular matter without being presumed to have pre-judged the matter itself. So I guess if a given Commissioner is opposed to residential zoning in a particular neighborhood. Let's say it's an industrial zone and somebody makes an application for a residential use, so long as the Commissioner can say, hey, you know, I'm opposed to anything other than industrial zoning in this area. I think putting a residence in

here would just cause problems. But on this particular application I can be fair and objective because I know what the rules are, etc., etc. That's what this is intended to present.

COMMISSIONER VIGIL: I guess my question is more specific and maybe not a part of the new language. Maybe it's part of the old language. Exx communication can or cannot occur?

MR. ROSS: It should not occur, but if it does there are provisions in the ordinance already that address what you must do if that does occur. If that does occur, let's say someone catches you in the grocery store or something and bends your ear on an application. The ordinance says what you do in that case is you disclose to the other side that this occurred. And that cleans it all up.

COMMISSIONER VIGIL: Okay. That clarifies that for me. Now, clarify for me, once a complaint is filed, who will be the first person to review that complaint, or entity? Would it be the Ethics Board?

MR. ROSS: Well, the way it's drafted right now is that they file complaints in our office, and we have to develop a form or something for that, and then we would present it to the Ethics Board and probably attach a summary or some sort of information sheet to it.

COMMISSIONER VIGIL: I guess my question then would be there may be frivolous complaints that may be filed. How are we going to be able to distinguish those? And do we need investigatory processes in here?

MR. ROSS: Well, how Bernalillo County approached it was they didn't want anyone in-house to make those calls, and that's why they had the outside auditors agree to do it. So if we were to try to cull those complaints and evaluate them we could follow that model and have somebody on the outside take care of it. Since the auditors won't do it we could have an outside attorney, for example, on contract to do that. Or a private investigator or somebody like that. But I think what the job will be is to take the allegations that are in the complaint and compare them against the ordinance preliminarily to determine whether that complaint states a claim under the ordinance. It might say, well, they did this, but this is not prohibited by the ordinance. So, you might say well, that complaint is no good and it shouldn't even go to the Ethics Board.

COMMISSIONER VIGIL: Okay. I'm wondering if that process should be delegated to the County Manager. You want to be careful that you don't have the fox guarding the chicken house. Not that the Legal Department would be the fox, but I recognize where Bernalillo County would actually want an independent auditor and if we're not going to go there, and your suggestion for perhaps some kind of contract reviewer might be good. What I'm worried about is that we have these slew of complaints and the Ethics Committee is reviewing complaints some of which they don't know will be frivolous and some will have substance. How does that become distinguishable for them?

MR. ROSS: That's what Bernalillo County did. They had somebody take a look at all of them and determine whether they stated a claim or not.

COMMISSIONER VIGIL: Okay. I think in order to protect this process we're going to need to incorporate that step in this process somehow. I know that we – well, those are my comments and I think that our new County Manager should probably weigh in on this too.

So the next question I wanted you to underscore because I did send a copy of this to my email list and the feedback I got was the penalties were so low, and I tried to explain to individuals who contacted me that we cannot supercede the state authority on that. Would you validate that?

MR. ROSS: Mr. Chair, Commissioner Vigil, state law only permits a fine of \$300 or jail up to 90 days for violation of a County ordinance. Now, that statute was passed in the sixties I think and it's probably fairly outdated but it is our current authority to punish violations of County ordinances.

COMMISSIONER VIGIL: I know those would be strictly civil. I mean if in fact there was a criminal complaint that would be referred to the DA's office and they would have to deal with that procedure there, correct?

MR. ROSS: Well, Commissioner, those are criminal violations of a County ordinance and those are the maximum fines that a magistrate judge can impose. The DA could do it. We're all commissioned in my office as assistant district attorneys for purposes of these ordinances. Also, an appointed County code enforcement officer can enforce County ordinances.

COMMISSIONER VIGIL: Okay. Well, thanks for clarifying that. These extend to spouse, children and parents. Is that also in compliance with the Government Conduct Act?

MR. ROSS: Not exactly. That language, Commissioner, came from the City of Santa Fe's ordinance. The Governmental Conduct Act from the State of New Mexico is much broader and captures a larger group of people.

COMMISSIONER VIGIL: And we just created a limitation just based on what?

MR. ROSS: Well, because people have so many relationships here if we cast the net too broadly we're going to be demanding that our cousins and stuff, or imposing requirements on ourselves that we can't really meet. If a cousin or ours or something does work for the County then that might preclude somebody from sitting on a board or something.

COMMISSIONER VIGIL: But this would just pertain to conflict of interest disclosure? Or are you extending this to other violations of the ordinance?

MR. ROSS: It would just help you define what a financial interest is.

COMMISSIONER VIGIL: Okay.

MR. ROSS: So if your wife or husband has a contract with the County, that would be a financial interest that would have to be looked at, but if your cousin did it wouldn't be. You wouldn't look at it.

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

CHAIRMAN MONTOYA: Okay. Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. First of all, Steve, thank you for the revisions. I think they make the ordinance clearer and better. I have a question on Section 8, about limitations about a person who is associated with the County being able to represent someone following termination of service or employment for a period of one year. And I got a question from one of my constituents, why not three years? One year doesn't

seem very long. Can you comment on that?

MR. ROSS: Well, Mr. Chair, Commissioner Holian, these kinds of requirements are frequently attacked in the courts as being unduly burdensome on a person's right to work. This section actually happens to come also from the Governmental Conduct Act of the State of New Mexico and is exactly the same as the state statute. And it came into effect in 2004. I think if you increased the number of years you'd get some challenges to a requirement like this.

COMMISSIONER HOLIAN: Okay. Thank you. Also, with regard to the Ethics Board, will their meetings be public?

MR. ROSS: Yes.

COMMISSIONER HOLIAN: Will they have executive sessions about personnel matters?

MR. ROSS: They really shouldn't. That would be – if an ethics complaint created a personnel issue, of course we could discuss it ourselves as a Board if we wanted to in executive session. The personnel actions over on our side of the fence would be protected. Matters of opinion at least would be protected. But the Ethics Board should operate completely out in the open.

COMMISSIONER HOLIAN: So does that mean that all the reports of violations done will be public? Or the accusations of violation?

MR. ROSS: Yes. The way it's currently written it would all be public.

COMMISSIONER HOLIAN: I just want to make a general comment that since our new County Manager is going to be coming in soon and she will be in charge of implementing this ordinance that we have another public hearing on the meeting and put off a decision on it until the next meeting.

CHAIRMAN MONTOYA: Okay. Commissioner Anaya.

COMMISSIONER ANAYA: What was your last comment, Commissioner Holian?

COMMISSIONER HOLIAN: Our new County Manager is really going to be in charge of implementing this ordinance and so I feel it would be fair to allow her to come in and make comments and suggestions on it before we actually take action on it.

COMMISSIONER ANAYA: Yes, I agree to that. Thank you, Mr. Chair.

CHAIRMAN MONTOYA: Okay. Steve, just a couple of points of clarification. And I don't know, I just think that if we're going to have something in terms of anything of value or benefit, and we're talking about meals and then adding a dollar value and saying non-alcoholic as opposed to – you can get non-alcoholic beverages but not alcoholic beverages paid for you?

MR. ROSS: Well, Mr. Chair, how that works is that you can have a meal whose total value does not exceed \$25 and have all the beverages you want so long as their non-alcoholic beverages and it won't be considered anything of value for purposes of the ordinance. It's when you get above \$25 or start to include alcohol with the meal that it starts a conflict of interest.

COMMISSIONER VIGIL: It prohibits the purchase of alcoholic beverages, correct?

MR. ROSS: No, it prohibits someone who has an interest in the County who is talking to you about things springing for the alcoholic beverages.

COMMISSIONER VIGIL: Right. That's what I meant. So if I'm out having lunch with someone and I order a glass of wine and they want to pay for the bill, they really can't, because I've ordered alcohol.

MR. ROSS: Yes, or you would pay for the alcohol yourself.

CHAIRMAN MONTOYA: And they could pay for your meal.

MR. ROSS: Yes.

CHAIRMAN MONTOYA: I think it's cleaner if you'd just leave it the way it was instead of starting to put dollar amounts on there. That's just my personal opinion. Same thing with the transportation. How are you going to value a trip that's not going to exceed \$50? Is that like only to Lamy?

MR. ROSS: When I was over at the state there were lots of – this was the rule over there and it was very awkward to even take a ride with a member of the regulated community out to a site to look at something. The state considered the value of the ride a problem, so you had to drive independently. It made for all kinds of very awkward situations. So this is sort of a rule of reason that they ended up coming to after a while because of those kinds of experiences. And a \$50 trip is a pretty substantial trip.

CHAIRMAN MONTOYA: So that would be like Albuquerque?

MR. ROSS: It could be even farther than that.

CHAIRMAN MONTOYA: I guess how do you value that? Is it the per diem? What is it? 52 cents a mile?

MR. ROSS: Yes. It would be something like that. Right. So 100 miles.

CHAIRMAN MONTOYA: So it would be 100 miles.

MR. ROSS: So you could –

CHAIRMAN MONTOYA: You couldn't even go to Albuquerque and back.

MR. ROSS: You couldn't go back.

CHAIRMAN MONTOYA: They'd drop you off and you'd have to –

COMMISSIONER VIGIL: Take the Rail Runner back. Mr. Chair, on that.

CHAIRMAN MONTOYA: Commissioner Vigil.

COMMISSIONER VIGIL: I think that really the intent behind this particular section is to prevent junket type trips. To prevent those that are costly. To prevent those that would tend to lend themselves towards abusive kind of behaviors. I think that \$50 provides a reasonable structure in terms of – well, if I need to go from point 1 to point B, I think at the County we're at a very safe place because we have vehicles that we can actually utilize, but if we are somewhere and someone gives us a ride somewhere, this allows for that and we won't have to go into a frenzy or a neurosis over, oh, my God, somebody's giving me a ride and that kind of thing. I think there's a reasonable –

MR. ROSS: Mr. Chair, Commissioner Vigil, whenever you start drawing these lines then it makes it difficult. But I think Commissioner Vigil is right. The intent of this is to point out that there's a line somewhere but if you apply reason and common sense to a rule like this that you'll be fine. It could be \$100 a trip if we think that that makes more sense. The numbers are almost irrelevant. You just pick a number that makes sense and

works for us, and it would promote the principle that Commissioner Vigil just articulated.

CHAIRMAN MONTROYA: Okay. I don't know. It just seems – so it's easier to have a dollar amount than to say just, no you can't do that.

MR. ROSS: You could say *de minimis* or something like that and make it a more flexible standard that's more of a common sense standard. This is just how the state happens to approach it right now. We could say *de minimis* or insignificant or small or something like that. And then when we hear of somebody who took a \$10,000 trip to China or something then we know that's on the other side of the line. We just don't know where the line is but we know that's on the other side of it.

CHAIRMAN MONTROYA: Okay. And I guess on 14.B – I believe that we need either a contract or an objective outside individual that would be – that's what I believed the internal audit contractor served as in Bernalillo County to then begin to go through the process of getting the Ethics Board involved and that sort of thing, as opposed to an employee. I think a couple of things. One, it will protect that employee without having to get involved in any controversy, number one, to where there may be some retaliation in return for them being involved in the initial process. So I would advocate for an external contractor, judge, attorney, whatever that position may be in terms of getting the violations reported to that individual. That would just be my suggestion on that.

MR. ROSS: Mr. Chair, we do have a hearing officer who's a local attorney who's on contract to do the forfeitures, the vehicle forfeitures under the DWI ordinance, and somebody like that could easily take an impartial look at all these things. We certainly don't want to do it in the Legal Department. If we accept applications that's all we want to do is just accept them and move them from one point to another. So maybe that would be an idea. Just have that person handle the initial review.

CHAIRMAN MONTROYA: Okay. I think that's all I had on that. So we will have one more public hearing. And that will be what? September 14th? At that meeting?

MR. ROSS: Mr. Chair, we don't really have enough time to publish for the 14th so it would have to be the administrative meeting at the end of the month.

CHAIRMAN MONTROYA: We have to wait that long?

MR. ROSS: Well, we don't have a full two weeks to publish, once we get it in the paper. We were lucky; this time we had three weeks in between the land use meeting and the administrative meeting, but now we only have two weeks and it has to publish for a full two weeks.

COMMISSIONER VIGIL: Do we need a motion to table until that date or can we just give direction to you?

MR. ROSS: Motion to table is probably –

COMMISSIONER VIGIL: I move that we table this ordinance until our next administrative meeting to allow the County Manager to weigh in on this and provide further guidance.

COMMISSIONER HOLIAN: Second.

CHAIRMAN MONTROYA: Okay. We have a motion by Commissioner Vigil, second by Commissioner Holian.

The motion to table passed by unanimous [4-0] voice vote.

**XIII. F. 3. Executive Session
a. Discussion of Pending Or Threatened Litigation
b. Limited Personnel Issues**

COMMISSIONER HOLIAN: Mr. Chair, I move that we go into executive session where we will discuss pending or threatened litigation and limited personnel issues.

COMMISSIONER ANAYA: Second.

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

Pursuant to NMSA Section 10-15-1-H (7 and 2) the motion passed by unanimous [4-0] roll call vote with Commissioners Anaya, Holian, Vigil and Montoya all voting in the affirmative.

CHAIRMAN MONTOYA: So what do we estimate? Half an hour? 6:30?

MR. ROSS: I don't think it will take very long.

[The Commission met in closed session from 5:40 to 6:20.]

CHAIRMAN MONTOYA: Coming back from executive session. Can we have a motion?

COMMISSIONER VIGIL: Move to come out of executive session where the only discussion we had was a personnel matter and a litigation concern.

COMMISSIONER HOLIAN: Second.

CHAIRMAN MONTOYA: Motion by Commissioner Vigil, second by Commissioner Holian.

The motion passed by unanimous [4-0] voice vote.

XIII. F. 4. Consideration of and Approval of Amendment No. 3 to the Employment Agreement for Stephen C. Ross to Serve as Santa Fe County Attorney.

COMMISSIONER VIGIL: Mr. Chair, I'd like to defer to Nancy Long who has been negotiating. Thank you very much, Nancy, for your efforts, not only in negotiating this amendment but in negotiating a contract with our incoming County Manager. You've done a wonderful job. If you'd like to summarize what's before us, and I think there's really only two substantial issues.

NANCY LONG: Thank you, Mr. Chair and Commissioner Vigil for asking me to assist on this project. I was happy to do it. Amendment #3, as you have read it is an amendment to the employment agreement that the Board has with your County Attorney, Mr. Ross. The amendments that are before you for consideration in this Amendment #3 are very simple and straightforward. As you know, with the new County Manager coming in there was concern about cleaning up the reporting of the County Attorney's position, that that be done to the County Manager as all other departments at the County are handled. And the County Manager's contract does provide that the County Attorney's office will report to the County Manager as all the other departments do. So we wanted to make sure that this contract, that the Board has with Mr. Ross was consistent with the contract that you have with the County Manager. So it does provide in Section 1 the scope of work that the County Attorney would perform the duties and functions as the County Manager may direct or assign and remove the Board from that obligation or that ability.

But then we also provided that the County Manager would not direct the substantive legal work, legal opinions of the County Attorney and the County Manager, your incoming County Manager fully understood the reasons for having that provision in this amendment. And then we made a couple of changes, again consistent with the fact that the County Attorney will be reporting to the County Manager and the termination provisions of the agreement. So those are really the changes. There are just a few and they're very simple and the County Manager and the County Attorney have both been very cooperative and available in trying to get this done and before you today.

COMMISSIONER VIGIL: Thank you.

CHAIRMAN MONTOYA: Thank you, Nancy. Any questions? Could I have a motion?

COMMISSIONER ANAYA: So moved.

CHAIRMAN MONTOYA: Motion by Commissioner Anaya.

COMMISSIONER VIGIL: Second.

CHAIRMAN MONTOYA: Second by Commissioner Vigil. Nancy, thank you for all the work. I appreciate it and we have a good product that everyone's satisfied with so that's what we're definitely going to vote on.

COMMISSIONER VIGIL: And Mr. Ross, just for the record, you will be executing this contract.

MR. ROSS: Mr. Chair, Commissioner Vigil, I already did execute it.

COMMISSIONER VIGIL: Thank you.

The motion passed by unanimous [4-0] voice vote.

XIV. ADJOURNMENT

Chairman Montoya declared this meeting adjourned at 6:25 pm.



ATTEST TO:

Valerie Espinoza
VALERIE ESPINOZA
SANTA FE COUNTY CLERK

Approved by:

[Signature]
Board of County Commissioners
Harry Montoya, Chairman

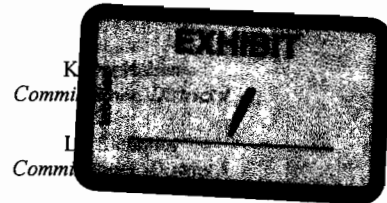
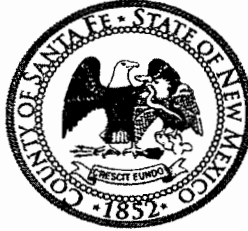
Respectfully submitted:

Karen Farrell
Karen Farrell, Wordswork
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Harry B. Montoya
Commissioner, District 1

Virginia Vigil
Commissioner, District 2

Michael D. Anaya
Commissioner, District 3



Roman Abeyta
County Manager

Revised

BOARD OF COUNTY COMMISSIONERS

**CASE NO. S 09-5211
SADDLEBACK RANCH ESTATES
SADDLEBACK RANCH ESTATES LLC, APPLICANT
GABRIEL BETHEL, AGENT**

ORDER

THIS MATTER came before the Board of County Commissioners (hereinafter referred to as “the BCC”) for hearing on April 13, 2010, on the application of Saddleback Ranch Estates LLC (hereinafter referred to as “the Applicant”) and Gabriel Bethel (hereinafter referred to as the “Agent”) for approval of a residential subdivision on 960 acres (“Application”). The BCC, having reviewed the Application and supplemental materials, Staff reports and having conducted a public hearing, finds that the Application is well-taken and should be granted subject to conditions and makes the following findings of fact and conclusions of law:

1. The Applicant requests approval of a Summary Review Procedure pursuant to Article V, Section 5.5 of the Santa Fe County Land Development Code (“Code”) for a type-five subdivision as defined in the NMSA 1978, Sections 47-6-2.T and 47-6-9.A (16) consisting of 24 lots on 960 acres, each lot to consist of 40 acres.

2. The property is located on State Road 41 within Sections 13, 23, 25, and 26 of Township 14 North, Range 9 East and Sections 7, 8, 9, 16, 17, 18, 19, 20, 21, and 29 of Township 14 North, Range 10 East, near the villages of Galisteo and Lamy.

3. In support of the Application, the Applicant's Agent submitted a development report including a legal lot of record, a subdivision survey plat, a terrain management plan, water supply plan, liquid waste disposal plan, solid waste plan, archaeological survey, and disclosure statement.

4. The Application is in accordance with Article V, Section 5.5 (Summary Review Procedures) of the Code.

5. On March 9, 2010, the BCC heard this case and took public testimony both in favor of and against the Application. The BCC tabled the request with direction for the Applicant to address the following: future plans for the development; water; lighting; whether or not a landing strip was proposed; revegetation; height; and additional wildlife corridor issues; and to meet with the community again.

6. At the March 9, 2010 BCC meeting, the Applicant presented its archeological and water consultants as well as a representative of the Archeological Conservancy. Also at the meeting, 27 members of the public spoke, most of whom spoke in opposition to the Application.

7. Subsequent to the March 9, 2010 BCC meeting the Applicant addressed all issues as directed by the BCC as reflected on Exhibit C of the Staff report. The Applicant also met with members of the community on two occasions

8. At the April 13, 2010 BCC meeting a representative of the Galisteo Community Association presented concerns of the association regarding the Application .

9. At the April 13, 2010 BCC meeting Staff recommended approval of the Application subject to conditions.

~~10. The applicant consents to all applicable State, Local, County, Land
Development Code requirements and can be approved in accordance with law.~~

11. Based on the Application, supplemental material, staff reports as well as evidence and testimony submitted during the hearing, the Application should be

APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:

- A. The Final Plat must be recorded with the County Clerk's office.
- B. All redlines of Staff must be addressed before recordation.
- C. A condition will be recorded on the Final Plat that requires compliance with the water harvesting requirements of Ordinance 2003-6. A rainwater-harvesting plan will be required from the individual lot owner upon application for a building permit. This requirement must be included in the Subdivision Disclosure Statement.
- D. A condition will be recorded on the Final Plat that requires a liquid waste permit from the Environment Department for septic systems prior to issuance of building permits. This requirement must be included in the Subdivision Disclosure Statement.
- E. The Applicant must record water restrictive covenants simultaneously with recordation of the Final Plat that imposes a 0.25-acre feet per lot per year. A condition will be recorded on the Final Plat that requires installation of a water meter on each well in the subdivision at the time of development, and meter readings must be submitted to the Land Use Administrator annually by January 31st of each year.
- F. A location for a future cluster mailbox area to serve the Saddleback Ranch Subdivision and other areas must be provided. The pullout shall meet the minimum specifications for mailbox pullouts set forth by the New Mexico Department of Transportation ("NMDOT"). The pullout driving surface shall be a minimum of 6" of aggregate base course, and adequate drainage must be provided. The detail of this location shall be submitted prior to plat recordation, and additional right-of-way if required shall be dedicated on the Final Plat.
- G. The Applicant shall submit a financial guarantee, as required by Article V, Section 9.9 of the Code, in a sufficient amount to assure completion of all required improvements. The financial guarantee shall be based on a County-approved engineering cost estimate for the completion of required improvements as approved by Staff prior to Final Plat recordation. All improvements shall be installed and ready for acceptance within eighteen months of recordation.

SFC CLERK RECORDED 09/30/2018

- H. The Applicant must provide a landscaping plan for revegetation of disturbed areas, prior to Final Plat recordation.
- I. All utilities shall be underground. This shall be noted on the Final Plat, covenants and Subdivision Disclosure Statement.
- J. The standard County water restrictions, the final homeowner's association documents, and the Subdivision Disclosure Statement must be recorded with the Final Plat.
- K. A condition will be recorded on the Final Plat that states that a permit will be required for signage, and all signage must meet the requirements of the Code.
- L. Driveways shall not exceed 11% grade.
- M. A water quality test analysis must be submitted before Final Plat recordation as required in Article VII, Section 6.5.2 of the County Code, which demonstrates that the water is of acceptable quality.
- N. NMDOT access permits must be obtained by the Applicant prior to recordation of the Final Plat.
- O. Final road design and configuration will be reviewed administratively to ensure compliance with the requirements of Article V, Section 8.2 (Road Design Standards) of the Code prior to Final Plat recordation.
- P. All roads must be designed as a loop road system. Cul-de-sacs (dead end roads) shall not exceed a maximum length of 500 feet as required by the Code.
- Q. Location and exact dimensions of the existing pond must be identified on the plat prior to recordation. Verification that the pond is properly permitted must be received prior to Final Plat recordation.
- R. The water distribution system must be clearly shown on the Final Plat. The location of each proposed domestic well must be shown.
- S. Roads shall meet the requirements set forth in the Code. Driveway, turnouts, and turnarounds shall be County approved all-weather driving surface of minimum 6" compacted basecourse. Minimum gate and driveway width shall be 14' and an unobstructed vertical clearance of 13'6".
- T. Access gates must be operable by means of a key or key switch, keyed to the Santa Fe County Emergency Access System (Knox Rapid Entry System). Details and information are available through the Fire Prevention Office.

- U. A minimum 60,000-gallon of water storage and draft hydrant(s) shall be installed, tested, approved and operable prior to the start of any building construction. Plans and location for said system(s) shall be submitted prior to installation for approval by the County Fire Marshal's office and shall meet all minimum requirements for the Santa Fe County Fire Department. Details and information are available through the Fire Prevention Office.
- V. Automatic fire protection sprinkler systems may be required by the New Mexico Fire Code.
- W. If County water becomes available within ¼ mile of exterior boundary of the subdivision, all lots shall connect to the County system. Fire distributions mains may be utilized as water distribution lines.
- X. A condition will be recorded on the Final Plat that states that domestic wells that serve the development be drilled to 500 feet or more, produce at least 5 gallons per minute, and should be screened, to the extent feasible given conditions that are encountered, to take advantage of the shallow alluvial aquifer and the sandy units within the deeper shale aquifer.
- Y. Water quality testing for the existing wells, performed by an EPA certified laboratory, must be submitted to the County for review prior to Final Plat recordation. Amendments to the Subdivision Disclosure Statement may be required concerning any adverse findings as a result of the water quality analysis.
- Z. The Applicant will consult with Earth Works, an organization like Earthworks, or the Quivira Coalition before construction of any roads or driveways, for help with the design of such roads and driveways.
- AA. The Applicant will work with wildlife professionals to identify and sustain a wildlife corridor or corridors. The size and placement will be based on further consultation with County Staff and wildlife professionals.
- BB. All fencing will be wildlife-friendly.
- CC. The Applicant will work with the community and Staff to determine whether placement of at least some of the homes can be achieved with clustering, to protect viewsheds, and the Applicant will in fact work to protect the viewsheds with the placements of the homes.
- DD. The Applicant will work with the community to design a well monitoring program.
- EE. There will be an archeological survey of 100 percent of the property that will be submitted and approved by SHPO prior to recordation of the Final Plat.

SPC CLERK RECORDED 09/30/2010

- FF. There will be consultation with related Native American communities regarding archeological sites, and this will occur before recordation of the plat.
- GG. Building envelope and occupancy sites may only be moved for reasons involving archeological site protection or establishment of the wildlife corridor.
- HH. There will be a minimum 50-foot buffer between all areas of disturbance and archeological sites.
- II. There will be third-party oversight of the Restrictive Covenants by the Commonweal Conservancy and the Archaeological Conservancy.
- JJ. Any future subdivision whatsoever or any future changes on the property will trigger a new master plan process and all other related County development processes.
- KK. There will be a building setback of 600 feet from the main roads.

WHEREFORE, the BCC hereby **APPROVES** the Application for a Summary Review (Type V) Residential Subdivision consisting of 24 lots on 960 acres subject to the conditions provided herein.

IT IS SO ORDERED:

This Order is approved by the Board of County Commissioners on this _____ day of ____, 2010.

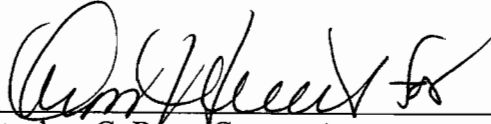
**THE BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY**

By _____
Harry Montoya, Chair

ATTEST:

Valerie Espinoza, County Clerk

Approved as to form:



Stephen C. Ross, County Attorney

SFC CLERK RECORDED 09/30/2010

Additional Items to Consider Adding to an Emergency Supply Kit:

- Prescription medications and glasses
- Infant formula and diapers
- Pet food and extra water for your pet
- Important family documents such as copies of insurance policies, identification and bank account records in a waterproof, portable container
- Cash or traveler's checks and change
- Emergency reference material such as a first aid book or information from www.ready.gov
- Sleeping bag or warm blanket for each person. Consider additional bedding if you live in a cold-weather climate.
- Complete change of clothing including a long sleeved shirt, long pants and sturdy shoes. Consider additional clothing if you live in a cold-weather climate.
- Household chlorine bleach and medicine dropper – When diluted nine parts water to one part bleach, bleach can be used as a disinfectant. Or in an emergency, you can use it to treat water by using 16 drops of regular household liquid bleach per gallon of water. Do not use scented, color safe or bleaches with added cleaners.
- Fire Extinguisher
- Matches in a waterproof container
- Feminine supplies and personal hygiene items
- Mess kits, paper cups, plates and plastic utensils, paper towels
- Paper and pencil
- Books, games, puzzles or other activities for children

Ready

Prepare. Plan. Stay Informed.

Emergency Supply List



FEMA

Recommended items to include in a Basic Emergency Supply Kit:



Water, one gallon of water per person per day for at least three days, for drinking and sanitation



Food, at least a three-day supply of non-perishable food



Battery-powered or hand crank radio and a NOAA Weather Radio with tone alert and extra batteries for both



Flashlight and extra batteries



First aid kit



Whistle to signal for help



Dust mask, to help filter contaminated air and plastic sheeting and duct tape to shelter-in-place



Moist towelettes, garbage bags and plastic ties for personal sanitation



Wrench or pliers to turn off utilities



Can opener for food (if kit contains canned food)



Local maps

the U.S. Department of Homeland Security educates and empowers Americans to take some simple steps to prepare for and respond to potential emergencies, including natural disasters and terrorist attacks. **Ready** asks individuals to do three key things: get an emergency supply kit, make a family emergency plan, and be informed about the different types of emergencies that could occur and their appropriate responses.

All Americans should have some basic supplies on hand in order to survive for at least three days if an emergency occurs. Following is a listing of some basic items that every emergency supply kit should include. However, it is important that individuals review this list and consider where they live and the unique needs of their family in order to create an emergency supply kit that will meet these needs. Individuals should also consider having at least two emergency supply kits, one full kit at home and smaller portable kits in their workplace, vehicle or other places they spend time.

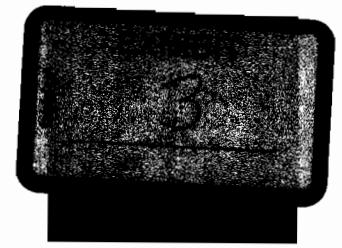
Ready

Prepare. Plan. Stay Informed.®



FEMA

FEMA R-8 / Catalog No. 09078-2



PARTNERSHIPS IN EMERGENCY PLANNING

American Red Cross
Salvation Army
United Way
Food Depot
Santa Fe Animal Shelter
Santa Fe Animal Humane Society
Amateur Radio Emergency Services
Baptist Men's Disaster Services
Moriarty Public School Systems
Santa Fe Public School Systems
Santa Fe Community College Emergency Response Team
Pojoaque Valley Public School System
United States Forest Service
New Mexico State Forestry
National Park Service
Bureau of Land Management
Northern Pueblos Agency Fire
Santa Fe Fire Department
Santa Fe Police Department
Santa Fe County Sheriff's Department
Santa Fe County Fire Department
Boy Scouts of America Camp Rand
Santa Fe City Senior Affairs Department
Santa Fe New Mexican
Santa Fe County Public Works
Santa Fe County Manager's Office
New Mexico Environment Department
Rocky Mountain EMS
Santa Fe County Sheriff's Posse
Santa Fe Regional Emergency Communications Center
Town of Edgewood
New Mexico State Police District 1
New Mexico Mounted Patrol
Bureau of Indian Affairs Law Enforcement
Pojoaque Tribal Police Department
Tesuque Tribal Police Department
Rio Arriba County Sheriff's Department
Department of Energy, WIPP
St. Vincent's Regional Medical Center
Presbyterian Medical Services
Physicians Medical Center of Santa Fe
La Familia Medical Center
Health South
VA Clinic of Santa Fe
Los Alamos Medical Center
Santa Fe Municipal Airport
New Mexico Air National Guard 717th
New Mexico National Guard 64th CST
Los Alamos National Labs (EM &R, Hazmat, EOD)
New Mexico Department of Homeland Security
and Emergency Management
New Mexico Department of Health, District 2
Los Alamos County OEM
Rio Arriba County OEM

Taos County OEM
San Miguel County OEM
Torrance County OEM
Sandoval County OEM
Bernalillo County OEM
Penitentiary of New Mexico
Santa Fe County Adult Detention Facility
Santa Fe County Youth Detention Facility
NM Children Youth and Families Department
New Mexico Department of Transportation
~~Rail Runner~~
Twin Mountains Construction Company
Herzog
Centex Construction
PHI Medical Air Transport
CareFlight
National Weather Service (ABQ)
Public Service Company of New Mexico
The Pipeline Group
Santa Fe County Judicial Complex
Valor Communications
Burlington Northern Santa Fe Railroad
Amtrak
KOB Radio
New Mexico Association of Counties
US Department of the Interior, Bureau of Reclamation
New Mexico Wing Civil Air Patrol
Sombriello Nursing Center
Santa Fe Indian Hospital
Rio Arriba County Fire Marshal's Office
Santa Fe County Extension Office
Santa Fe County Board of County Commissioners
United States Postal Service
United States Department of Homeland Security
New Mexico Fire Marshals Office WIPP Program
Santa Fe Community Wildland Protection Program Core Team
Gas Company of New Mexico
Buffalo Thunder Resort
NM Department of Agriculture
Santa Fe County Mobile Health Van
Girl Scouts of America
New Mexico National Guard
Edgewood Police Department
Nambe Pueblo Emergency Management
City of Santa Fe Emergency Management
Glorieta Conference Center
New Mexico State Police HazMat
New Mexico Department of Homeland Security and
Emergency Management Intel Fusion Center
New Mexico FBI WMD Division
Santa Cruz Dam
Nambe Falls Dam

SFC CLERK RECORDED 09/30/2016

Gasoline Remediation and Building Protection Measures Status Report, Steve Herrera Judicial Complex

A Presentation To:



Presented By:



Joe A. Galenore, PG

Joe Tracy, PG

Bradbury Stearns

Dan Lyons

August 31, 2010

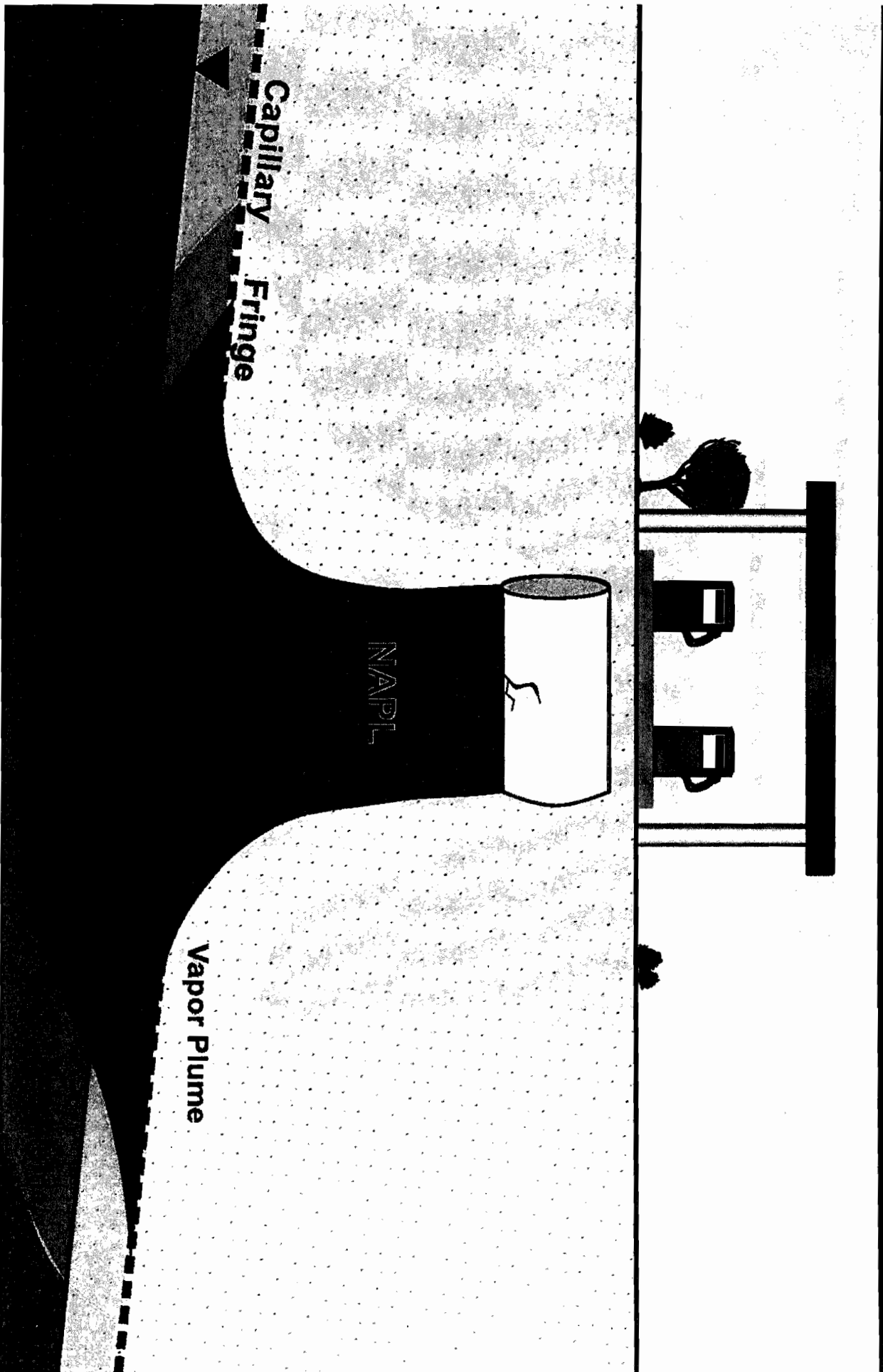


Presentation Organization

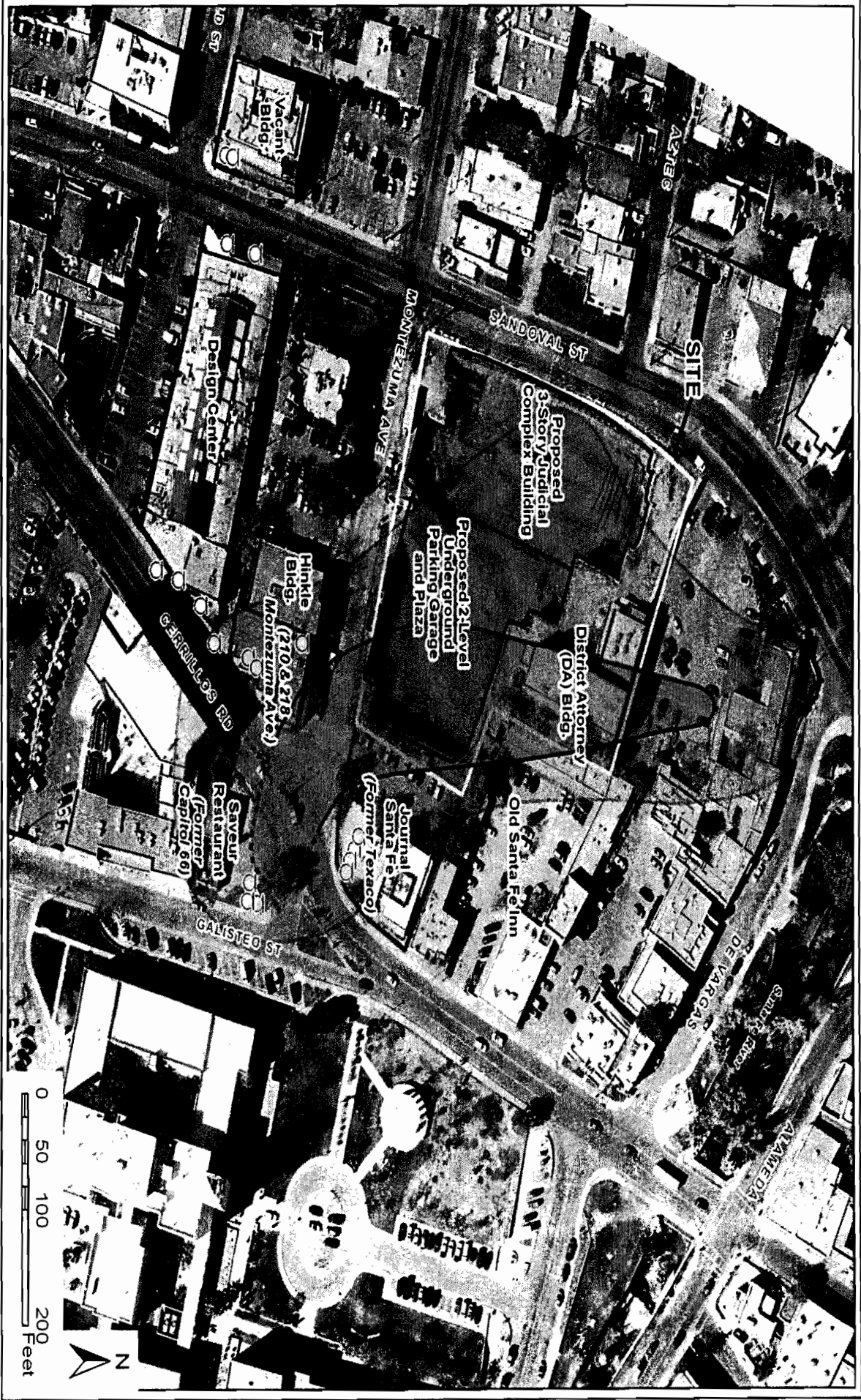
- **What Got Us Here and Status of Remediation**
Joe Galemore, INTERA

- **Building Protection Measures**
Dan Lyons, Bradbury Stamm

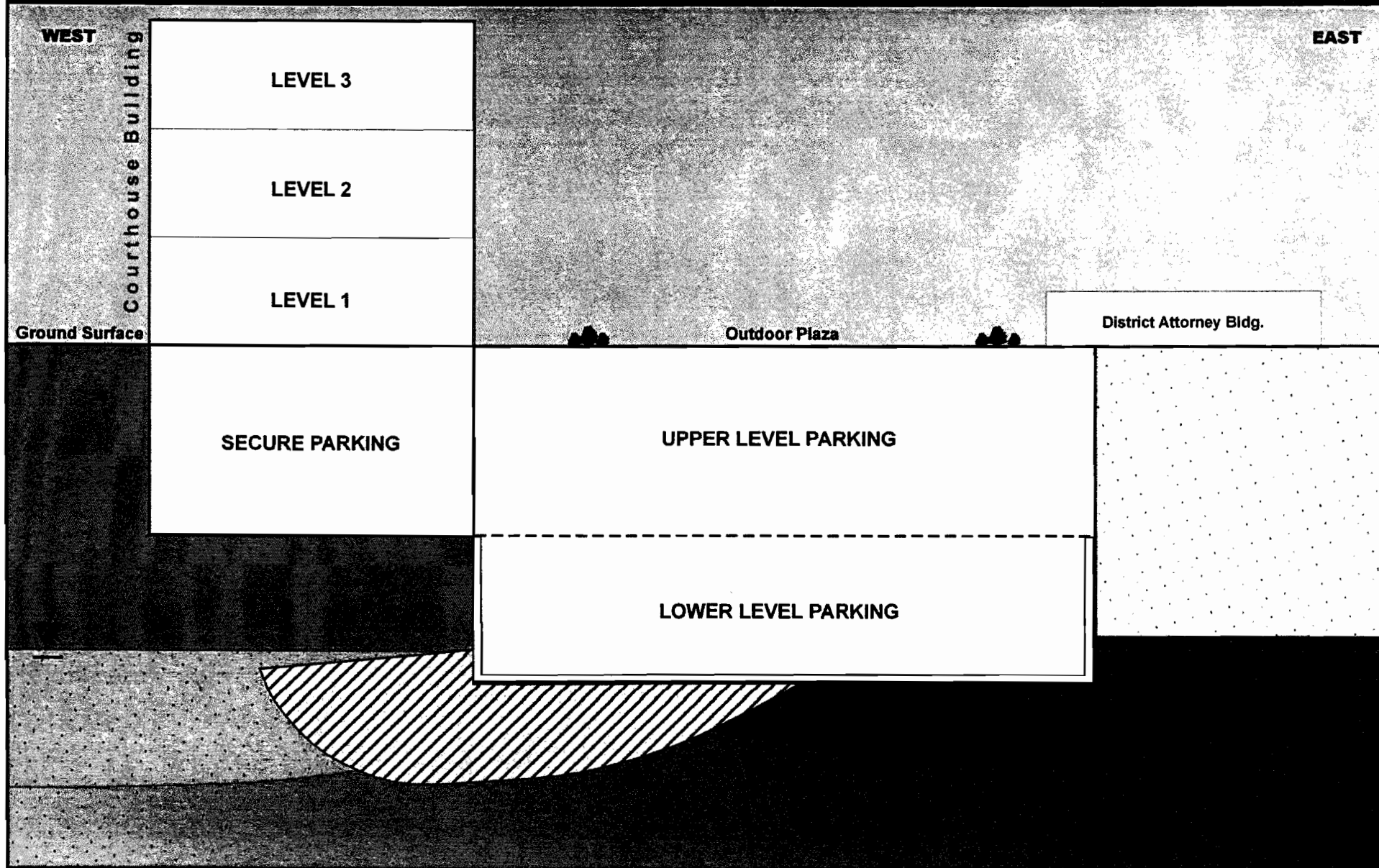
What Got Us Here



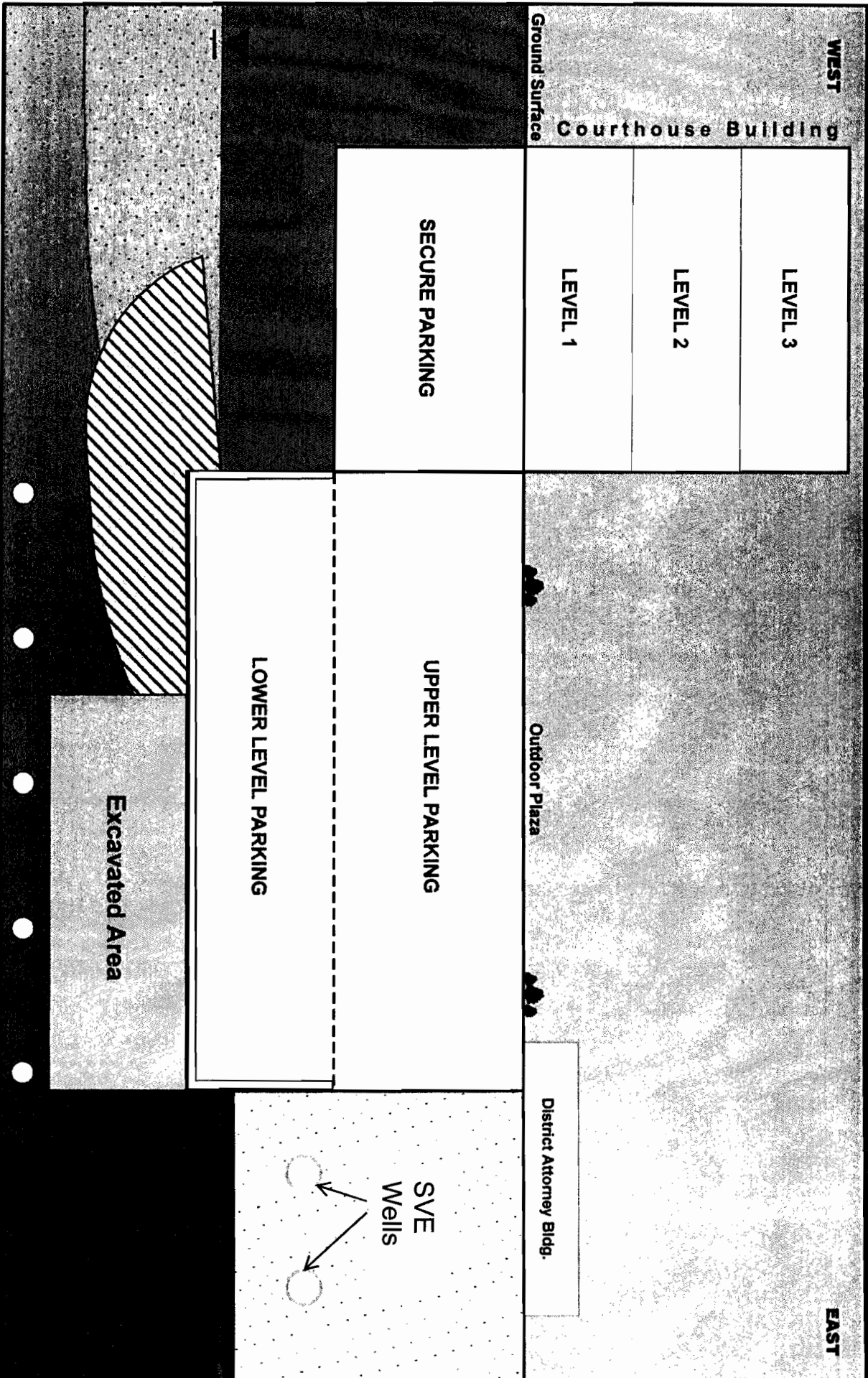
What Got Us Here



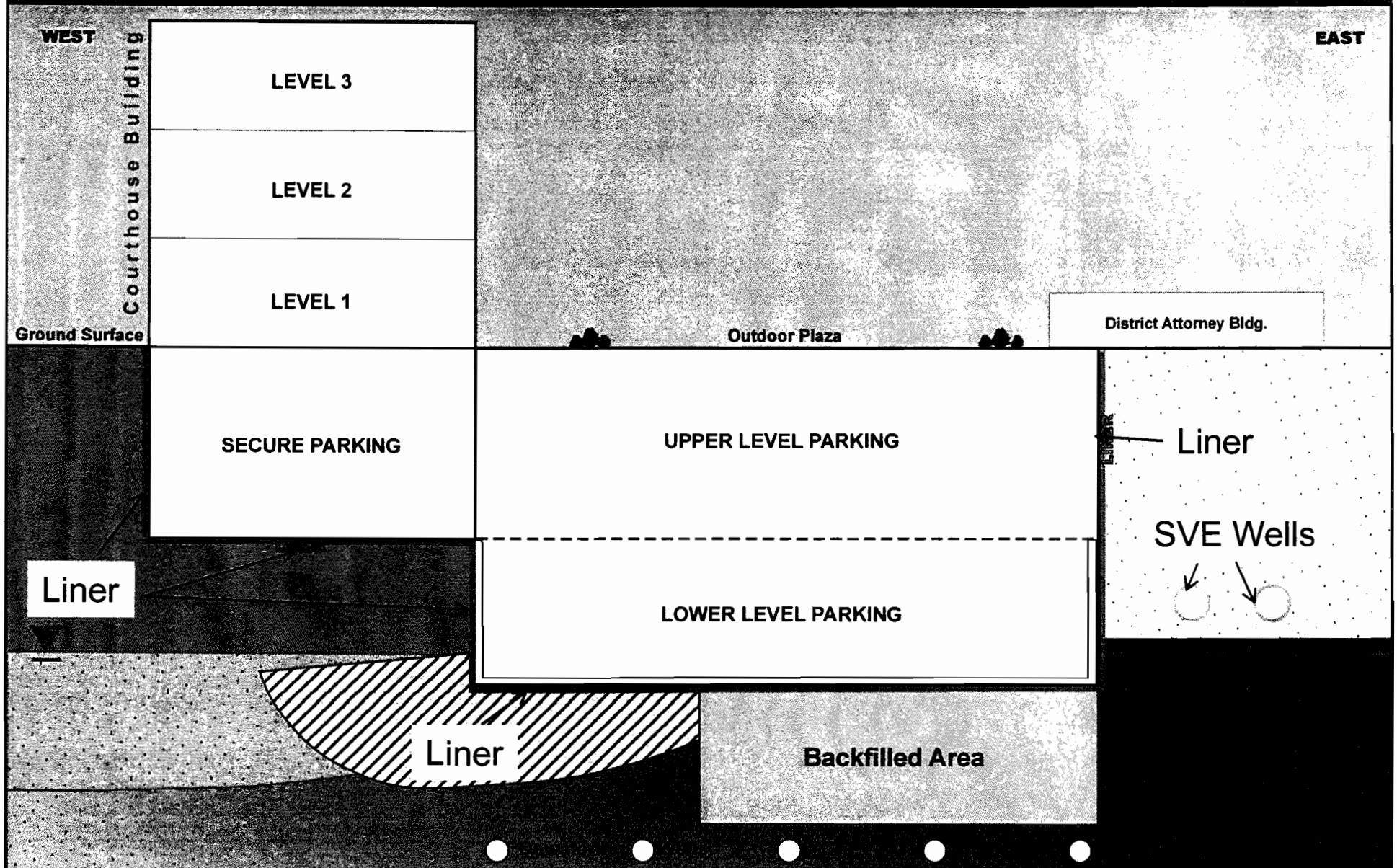
What Got Us Here



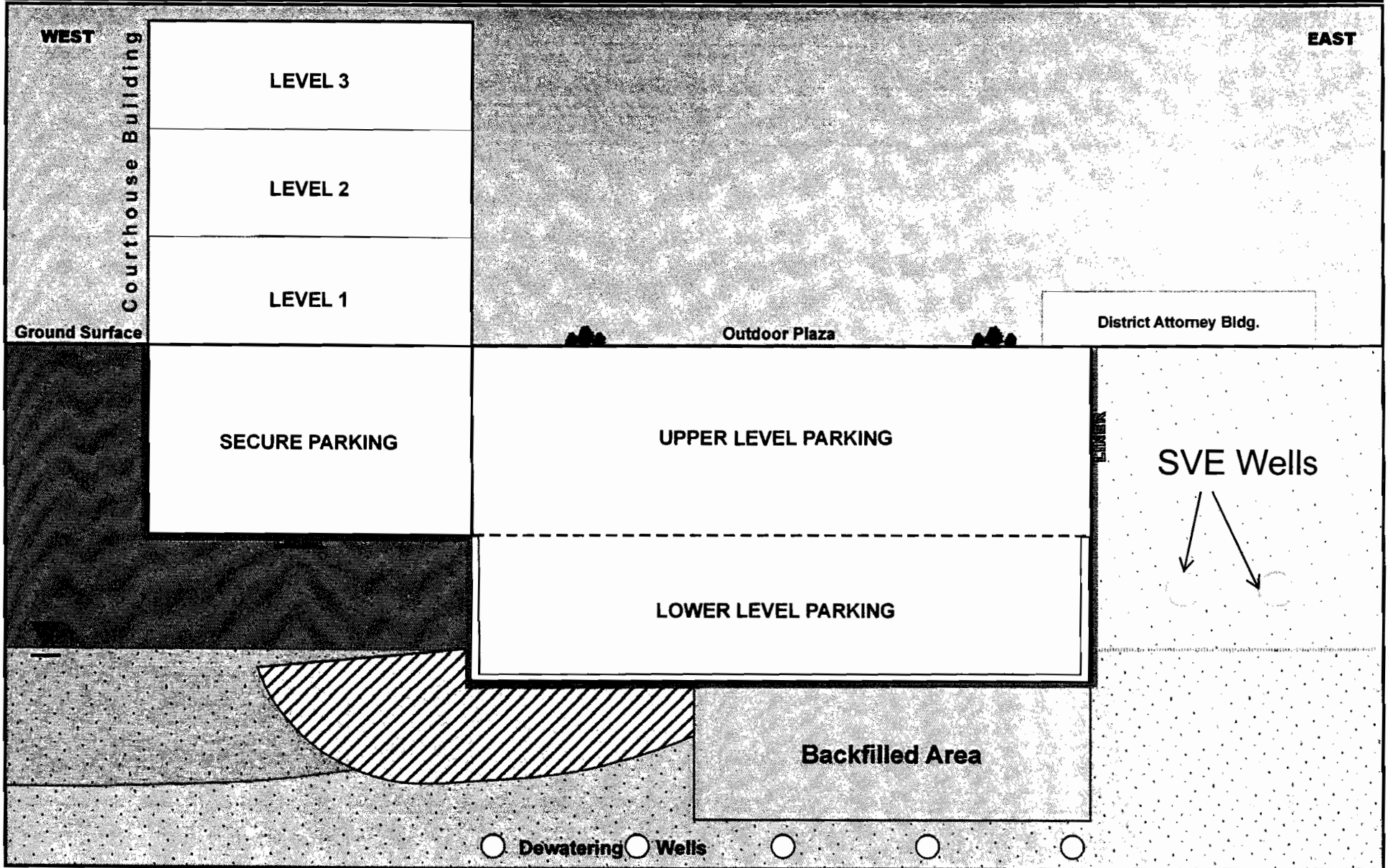
Status of Remediation



Status of Remediation



Status of Remediation



Status of Remediation

Current Activities

Santa Fe County (SFC) Judicial Complex

**~ 17,500 Tons of Contaminated
Soil Excavated**

**>15,000 Gallons of Gasoline
Removed**

Horizontal Wells Installed

Vicinity

**Soil Vapor Extraction Systems
Installed and Operating on
North and South Side of Site**

**~ 3,000 Gallons of Gasoline
Removed**

**Long-Term Groundwater
Monitoring Ongoing**

Status of Remediation

Regulatory Agency Reviews and Approvals

- **Received Conditional Eligibility into NMED's Voluntary Remediation Program**
- **Received Technical Approval of Remediation Plan from NMED's Petroleum Storage Tank Bureau**

Status of Remediation

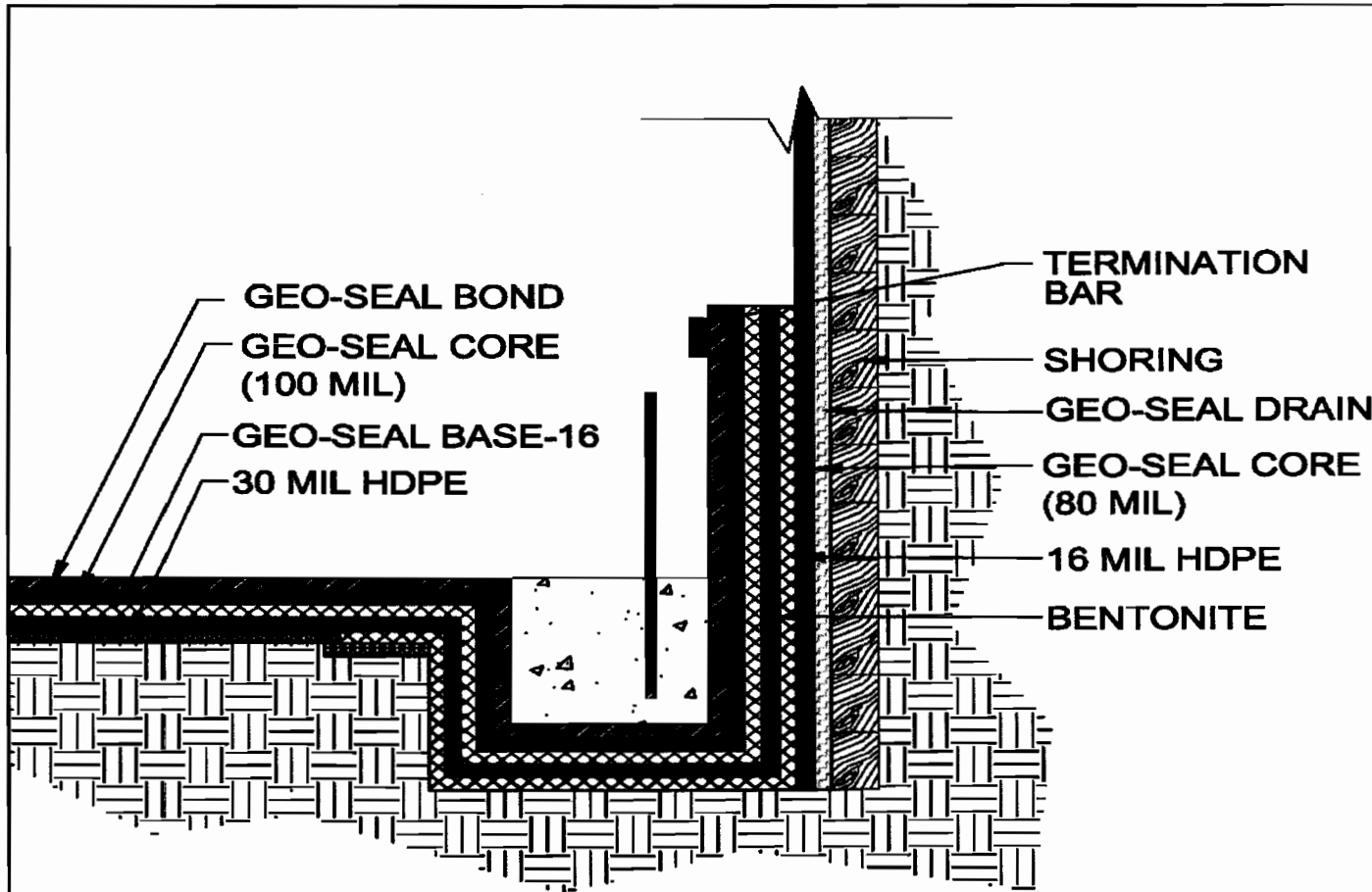
Future Remediation Activities

- **Continue Excavation and Installation of Horizontal Wells**
- **Add Oxygen Releasing Compound to Backfill**
- **Finalize Liner Design**
- **Continue Vicinity Remediation by NMED, PSTB**

Building Protection

- Finalize Design and Install Liner
- Vent Vapor from Exterior
- Revise HVAC Exhaust System

Building Protection



NOTE: UNDER SLAB MEMBRANE WILL TERMINATE 1' ABOVE DESIGN WATER TABLE AND WATER STOPS WILL BE REQUIRED AT COLD JOINTS

Land Science
Technologies
**1011 CALLE SOMBRA
SAN CLEMENTE, CA 92673
949.366.8000 OFFICE**

Geo-Seal
A Division of Land Science Technologies

© 2008 Land Science Technologies	
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Date	8/11/10
Scale	NONE

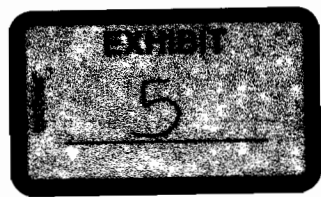
**SFCJC
GEO-SEAL SYSTEM**

Building Protection

- **Perform Regular Indoor Air Sampling and Laboratory Analysis**
- **Install and Monitor Air Quality Instruments within Parking Garage**

Questions





Santa Fe County FY 2012 - 2016 Infrastructure and Capital Improvements Plan (ICIP)

List of Potential Projects - First Public Hearing - 31 August 2010

Projects From FY 2011 ICIP and CIP Planning Process

Commission District	Project Description	Estimated Project Cost
1	Calle Victoriano -- base course (5.0 mi.)	\$276,276
1	Camino San Jose Road -- Improvements (.75 mile)	\$750,000
1	County Road 101 B -- resurface	\$150,000
1	County Road 115 -- low-water crossing	\$300,000
1	County Road 12 B -- improvements-chip seal	\$600,000
1	County Road 50/50F -- reclaim/pave	\$450,000
1	County Road 51 -- (1st mile, chip seal; 2nd/3rd miles, gravel)	\$600,000
1	County Road 60 -- Improvements-repair	\$200,000
1	County Road 78 -- improvements-resurface	\$200,000
1	County Road 84 - speed bumps	\$20,000
1	Cuatro Villas Transmission Line for Sombrillo Elementary School	\$500,000
1	Greater Chimayo Water System Improvements Water Storage Tank	\$250,000
1	Interconnection Cuatro Villas/Greater Chimayo	\$250,000
1	Pojoaque WWTP/Collection line/ Lift station phase II	\$1,070,000
1	Puye Road -- chip seal (0.69 mi.)	\$50,550
1	Santa Fe County - office space and storage -- operations and clerk/elections (20,000 sq. ft.)	\$3,000,000
1	Santa Fe County -- renovate county buildings and old court house	\$15,000,000
1	Sombrillo/Arroyo Seco Clooection line/Lift station	\$10,500,000
1	Toltec Road -- chip seal (0.3 mi.)	\$21,979
2	ADD - feasibility study - sewer system	\$100,000
2	Agua Fria -- connect community to municipal sewer	
2	Agua Fria -- connect community water system to Buckman direct diversion and connect community to city sewer	\$1,000,000
2	Agua Fria Road -- shelters at bus stops	\$150,000
2	Agua Fria waterline project	\$400,000
2	Camino La Tierra -- mailbox turnout/extend lane taper	\$50,000
2	City/County S-1 transmission line (County portion)	\$360,000
2	Corrections - Youth -- perimeter lighting	\$750,000
2	Corrections - Youth -- repair and upgrade plumbing at youth facility	\$1,000,000
2	Corrections - Youth -- repair control panel	\$600,000
2	Corrections - Youth -- replace single-sink commodes related to plumbing	\$800,000

Commission District	Project Description	Estimated Project Cost
2	Corrections - Youth -- safety improvements to recreation yard -- landscaping/paving	\$1,000,000
2	Corrections - Youth -- slider repair	\$200,000
2	Corrections - Youth -- upgrade and repair perimeter fencing at youth facility	\$500,000
2	Corrections - Youth -- upgrade youth kitchen facility phase I	\$100,000
2	CR 16A Jaymar Road -- chip seal (4.45 mi.)	\$326,010
2	Las Campanas -- service line	\$4,000,000
2	Las Campanas Transmission water line	\$360,000
2	Lopez Lane -- sewer feasibility study	\$50,000
2	Pinon Hills -- chip seal	\$325,000
2	Santa Fe County - public works -- acquire 2 acres of land in Eldorado area for office/staff fencing, road paving, and storage	\$1,000,000
2	Santa Fe County - public works -- solid waste upgrade transfer station - Nambe (enclose facility and equipment)	\$750,000
2	Santa Fe County -- south meadows open space (22 acres)	\$440,000
2	Santa Fe River - 8 mile trail (acquisition, trail construction, restoration)	\$21,000,000
2	Siler Road -- noise barrier with tree planting	\$65,000
2	South Meadows Water and Sewer lines CR # 62	\$625,000
2	Transmission line	\$400,000
3	Camino Pacifico -- chip seal	\$100,000
3	Camino Sudeste -- chip seal	\$75,000
3	Camino Tetzoco -- chip seal	\$75,000
3	Cerros Cantando Sub -- chip seal (0.89 mi.)	\$65,202
3	County Road 33 -- improvements-resurface	\$350,000
3	County Road 52 - Las Estrellas -- reclaim/pave	\$400,000
3	County Road 55 A -- improvements-repair & drainage	\$2,800,000
3	Edgewood WWTP/Collection system	\$100,000
3	Galisteo -- regional trail network development	\$2,000,000
3	La Cienega -- wastewater feasibility study	\$75,000
3	La Cienega -- wastewater feasibility study	\$75,000
3	Madrid -- wastewater system (study)	\$50,000
3	Madrid Co-op -- additional water rights (study)	\$50,000
3	North La Cienega Water Improvements/Water line Improvements I-25 and CR # 54	\$1,731,000
3	Santa Fe County - Thornton Ranch -- open space	\$700,000
3	Stanley fire system and Equipment & Improvements	\$250,000
3	Upper La Cienega -- extension of wastewater collection system from Valle Vista to commercial district off 599/Los Pinos Road, Erica Road, Camino Debra	\$1,500,000
3	Upper La Cienega -- per /feasibility study	\$75,000
3	Upper La Cienega -- water-line extension and loop system	\$1,500,000

Commission District	Project Description	Estimated Project Cost
3	Valle Vista WWTP	\$3,270,000
4	Arroyo Hondo Trail	\$1,000,000
4	Arroyo Hondo Trail -- bridge	\$1,000,000
4	Avenida Ponderosa (Fire Station Rd. to Church) -- Glorieta Estates Road widening/row acquisition	\$500,000
4	Canoncito Project	\$5,510,000
4	Glorieta Area -- tank upgrade	\$200,000
4	Glorieta Area Regional Water System Planning (includes Glorieta Villa, Glorieta Estates, Glorieta East and surrounding area)	\$100,000
4	Glorieta Baptist Center, Village and Estates	\$100,000
4	Glorieta Estates -- state abandoned road (railroad property, 05 mi.): acquired/improved fire station road and road to church	\$1,000,000
4	Glorieta Estates water system improvements	\$96,000
4	Glorieta Village - MDWCA -- planning funds for wastewater solution	\$75,000
4	Old Santa Fe Trail -- road Improvements / ROW acquisition	\$350,000
4	Vista Redonda County Roads -- base course repair	\$500,000
5	Avenida Buena Ventura -- paving and drainage (0.23 mi)	\$67,619
5	Avenida de Amistad -- asphalt (0.5 mi.)	\$144,059
5	Balsa Road -- chip seal	\$120,000
5	Bike access from Hwy 14 to Railrunner	\$500,000
5	Cedar, Willow, Oak, N. Pinon, Juniper -- base course and culverts	\$500,000
5	Cochiti East Road -- improvements (0.2 mi.)	\$24,500
5	Cochiti West Road -- improvements (0.7 mi.)	\$91,000
5	Corrections - Adult -- enhance and repair security and fencing	\$500,000
5	Corrections - Adult - mental health unit -- renovate fencing, railings	\$250,000
5	Corrections - Adult -- relocate/renovate it server room and add equipment for all facility controls	\$1,000,000
5	Corrections - Adult -- remodel office & public space for bails bonds & electronic monitoring	\$500,000
5	Corrections - Adult -- renovation of cells at adult medical facility, replace sliders	\$1,000,000
5	Corrections - Adult -- repair & upgrade perimeter lighting	\$1,250,000
5	Corrections - Adult -- replace boilers in facility(4)	\$300,000
5	Corrections - Adult -- replace control panel doors & camera	\$700,000
5	County Road 42 - Galisteo from rr to village -- traffic calming	\$30,000
5	Encantado Road -- chip seal (2.11 mi.)	\$219,010
5	Fonda Road -- chip seal (0.4 mi.)	\$40,000
5	Frasco Road -- chip seal	\$43,000
5	Herrada Road -- asphalt surface (1.91 mi.)	\$561,531
5	I-25 and Rabbit Road area -- wastewater service extension study	\$75,000
5	I-25 and Rabbit Road area -- wastewater service extension	\$250,000

Commission District	Project Description	Estimated Project Cost
5	I-25 and Rabbit Road area -- water and wastewater service extension study	\$75,000
5	I-25 and Rabbit Road area -- water service extension	\$200,000
5	North Fork Road -- paving (0.25 mi.)	\$75,000
5	Puesta del Sol -- chip seal	\$200,000
5	San Marcos -- study to evaluate roads-upgrade/maintain	\$100,000
5	Sandia Road -- easement (0.05 mi.)	\$50,000
5	Santa Fe County -- media district improvement on Hwy 14 including water and sewer	\$2,630,000
5	Santa Fe County - RECC -- addition to existing space (4,000ft) and equipment	\$2,000,000
5	Santa Fe County -- Valle Vista community water systems upgrades	\$2,000,000
5	Santa Fe Rail Trail	\$1,700,000
5	SCADA system for Booster stations, Storgae tanks/wells	\$180,000
5	Southeast Connector -- phase I (East Chili line to Rabbit Road)	\$2,000,000
5	Spruce -- chip seal	\$100,000
5	SR 14 - Public Safety Complex to NM 599 -- improvements	\$1,000,000
5	Sunset Trail East -- base course	\$16,500
5	Sunset Trail West -- easements and base course	\$175,000
5	Valle Vista Water System upgrades	\$1,250,000
5	Verano Loop -- reclaim and chip seal (2.0 mi.)	\$180,418
5	Water Line Improvemenst I-25 and CR # 54	\$800,000
all	Additional Vehicles for Solid Waste	\$800,000
all	Equipment Leasing (water trucks, graders, loaders, backhoes, dump trucks)	\$3,500,000
all	Fire -- countywide self contained breathing apparatus / personal protection equip/defib replacement	\$3,000,000
all	Public Works -- additional vehicles (x 4)	\$800,000
all	Santa Fe County -- animal control vehicles (\$40,000/each)	\$80,000
all	Santa Fe County - energy efficiency for county facilities-retrofit	\$1,260,000
all	Santa Fe County - EOC -- county mobile command unit (on-site incident management) county wide	\$500,000
all	Santa Fe County - fire -- equipment (engines, ambulances, pumpers, waterhaulers, grass vehicles, rescue) county wide	\$5,000,000
all	Santa Fe County -- supplemental water supply wells throughout county	\$10,000,000
all	Sheriff -- equipment (handguns, rifles, flak jackets, helmets)	\$100,000
all	Sheriff -- new vehicles (20/year x \$40,000)	\$5,600,000
all	Supplemental Wells 5	\$15,600,000
all	Utility Rate Study	\$75,000

Total - FY 2011 ICIP and CIP

\$165,424,654

Santa Fe County FY 2012 - 2016 Infrastructure and Capital Improvements Plan (ICIP)

Project Requests From FY 2012 ICIP Community Meetings and Staff

Commission District	Project Description	Estimated Project Cost
1	Agricultural Revitalization Institute Community Farm Center Proposal	\$1,000,000
1	Chupadero Water Ssystem- Install additional 20,000gal. Water storage tank, refurbish existing tank	\$59,566
1	Install Fire Hydrant at Chupadero Substation of the Tesuque Volunteer Fire Department	\$50,000
1	CR 89 finish parking	\$50,000
1	CR 89E Bridge to Jose Rincon-flood control/berming bridge to North 300-500ft	\$25,000
1	CR 84- Tesuque Creek Crossing- Drainage Improvements	\$25,000
1	Acequia de Baranco Blanco-Jacona- Improve Diversion	\$50,000
1	Tesuque MDWA- 40yr old system improvements	\$1,587,810
1	Santa Fe County Wellness Center	\$1,500,000
1	NM 592 - Safety improvements - Separation of traffic lanes	\$50,000
2	Lopez Lane/Rufina Right of Way	\$100,000
2	Agua Fria Utiliy Corridor study/engineering plan	\$300,000
2	Agua Fria Children's Zone	\$2,500,000
2	Agua Fria Park	\$1,000,000
2	Agua Fria Road Extension and Roundabout	\$200,000
2	Agua Fria Road Bus Shelter	\$25,000
2	Agua Fria Senior Center	\$1,500,000
2	Agua Fria Water Systems Upgrades and water rights	\$1,500,000
2	La Junta del Alamo paving	\$50,000
2	Lopez Lane Sewer Project Feasibility Study	\$25,000
2	Richards Avenue Bike Lanes & Lighting Improvements	\$500,000
2	Richards Avenue Expansion to Four Lanes	\$1,500,000
2	Richards Road-Remove Signal & Install Roundabout	\$500,000
2	Green recycling Facility in Village	\$250,000
2	Drainage Plan for Agua Fria Village to include Catchment ponds versus storm drains	\$25,000
2	River Improvements-Bank Stabilization- Sewer Line Protection	\$250,000
2	Roundabout-Prairie Dog Loop and CR64	\$250,000
2	New Warehouse/Facilities for Food Depot	\$3,652,197
3	Purchase Land for new La Cienega Community Center	\$100,000
3	Entrada Cienega-guard rail, bank stabilization, repairing, and drainage	\$250,000
3	Camino San Jose - road improvements	\$500,000
3	La Cienega- Supplemental wall -road track to well-water system	\$100,000
3	Camino La Capilla Vieja- drainage improvements (1mile)	\$250,000

Commission District	Project Description	Estimated Project Cost
3	Los Pinos Road - Drainage Improvements	\$250,000
3	Extend Water line to Paseo Cde Baca	\$500,000
3	Repair Intersection at W. Frontage and Las Estrellas	\$50,000
3	Camino Capilla Vieja- Clean and Fence staging area	\$25,000
4	La Barbaria - Road improvments-Grading and Road widening	\$360,000
5	Maintenance and Well Building for the Eldorado Water and Sanitation District	\$1,000,000
5	Upgrades for Hidalgo Court	\$100,000
5	Plan, Design, Constrcut, and Equip teen center in Eldorado Area	\$1,500,000
5	1100sp.ft expansion of the Ken & Patty Adams Senior Center	\$520,000
5	Avenida Azul (approx. 1.7mi) - bike path	\$550,000
5	Avenida De Amistad - paved bike path	\$45,000
5	Avenida Eldorado - bike pathe extenmsion (aprox. 0.8 mi.)	\$80,000
5	County Road 63 - grading and base course	\$100,000
5	Southeast Connector - Rabbit Road to the Community College	\$1,500,000
5	Public Works Yard for Community College Area	\$500,000
all	Updated orthophotography - Countywide	\$385,000
all	Countywide Facilities Improvements for Energy and Water efficiency	\$6,090,000
Total - FY 2012 Project Requests		\$33,279,573

Sustainable Land Development Plan

County Development Review Committee
August 26, 2010



EXHIBIT
6

Sustainable Land Development Plan (SLDP)

What is the SLDP?

- Update of the 1999 Growth Management Plan

Santa Fe County 1999 Growth Management Plan

What did the 1999 GMP accomplish?

- ▶ Designated Specific Growth Areas
- ▶ Defined Service Areas for County Water Utility
- ▶ Created the Community Planning Program
- ▶ Created an Open Space Program
- ▶ Established a Water Conservation Program
- ▶ Established Economic Development Program

THE SANTA FE COUNTY
GROWTH MANAGEMENT PLAN



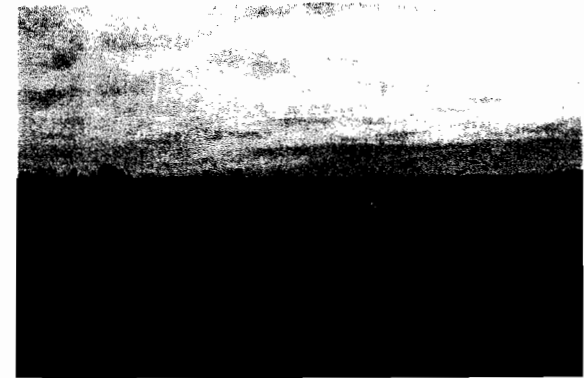
GENERAL PLAN

ADOPTED BY THE SANTA FE COUNTY
BOARD OF COUNTY COMMISSIONERS
RESOLUTION 1999 - 137
OCTOBER 26, 1999

How will SLDP update 1999 GMP?

- ▶ Refinement of Priority Growth Areas
- ▶ An evolution of the GMP goals and actions
- ▶ Implementation of a Capital Improvements Program (CIP)
- ▶ Implementation of a Land Development Code (SLDC)
- ▶ Evolve Community Planning Program
- ▶ SLDP becomes the vision and program for Santa Fe County

The Sustainable Land Development Plan (SLDP)



2010 SLDP Final Draft June 2010



Elements:

◦ A Suzuki

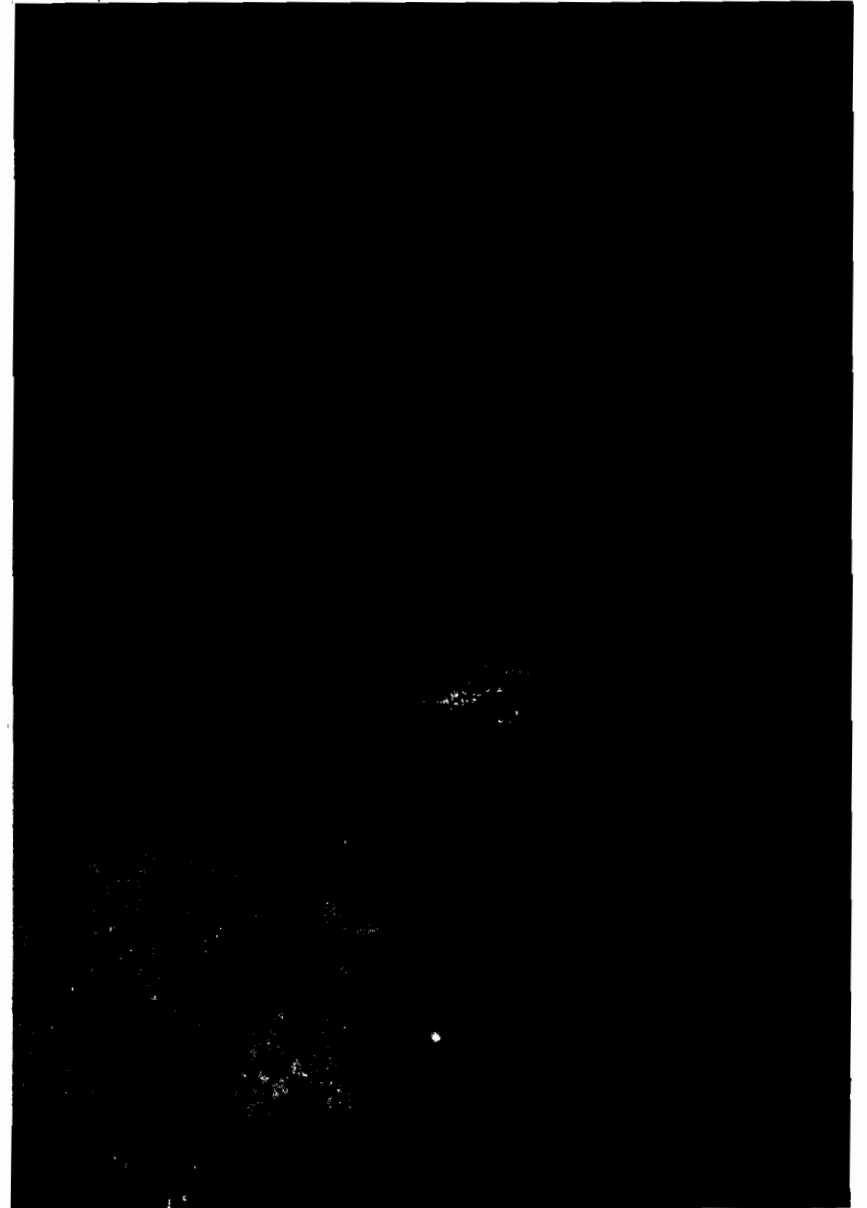
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Purposes of SLDP

- ▶ Direct the location and character of future growth and resources to appropriate and designated areas
- ▶ Fiscal responsibility
- ▶ Focus on existing community needs and values
- ▶ Respect the natural environment, the rural landscape and open spaces
- ▶ Conserve water for present and future generations
- ▶ Redefine the zoning standards and the development review process
- ▶ Provide appropriate County Resources to implement the Sustainable Growth Management Plan for the County
- ▶ Ensure effective, transparent and ethical governance



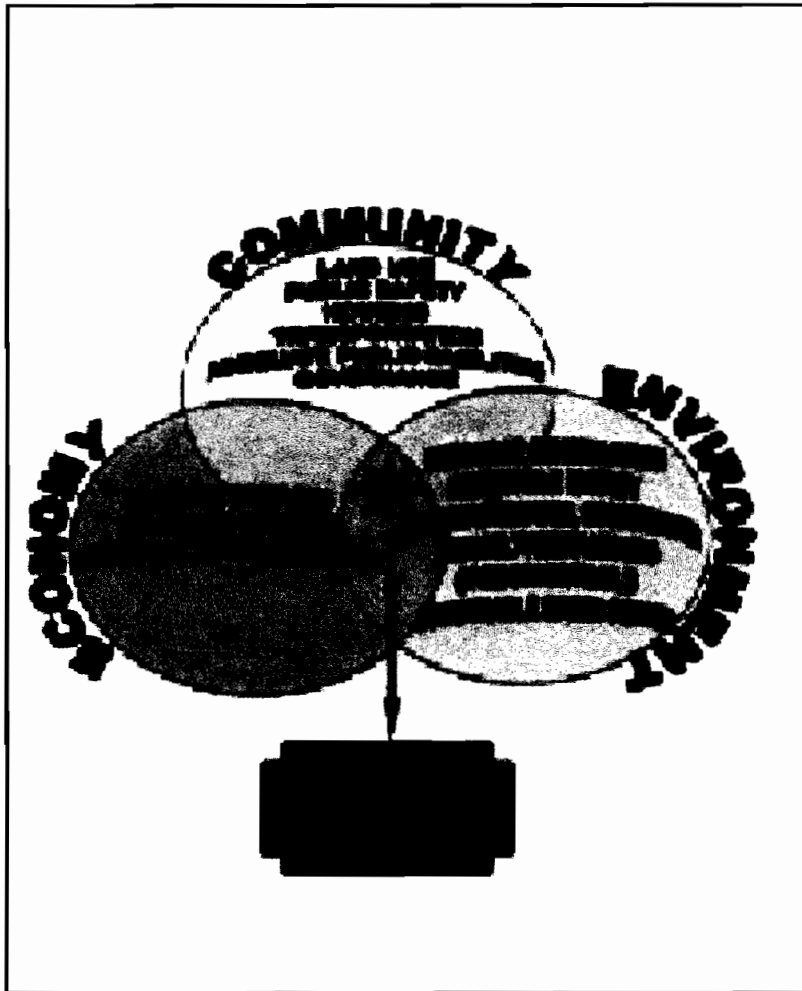
Key SLDP Concepts

Directives for each chapter sets the policy framework:

- **Goal**–County intent to achieve a sustainable direction
- **Policy**–statement of government intent. Policies direct the manner in which actions and decisions should be made.
- **Strategy**–specific action or program the County will implement to achieve goals and policies and solve issues and problems.



Principles for Sustainable Land Development Plan:



- ▶ Environmental Responsibility
- ▶ Economic Strength and Diversity
- ▶ Community Livability and Quality of Live

SLDP Process:

- ▶ CD... Off Meeting – December 8, 2008
- ▶ Series of Charrettes (Public Input Meetings) held in each Growth Management Area - February ~ April 2009
- ▶ First Draft: October 2009 - Public Input Sessions in each...
- ▶ Re... 2010
- ▶ 17... held April ~ May 2009
- ▶ 11...
- ▶ SLDP... July 2010 - Re...
- ▶ co... input
- ▶ No... community
- ▶ Re...



Recommendations:

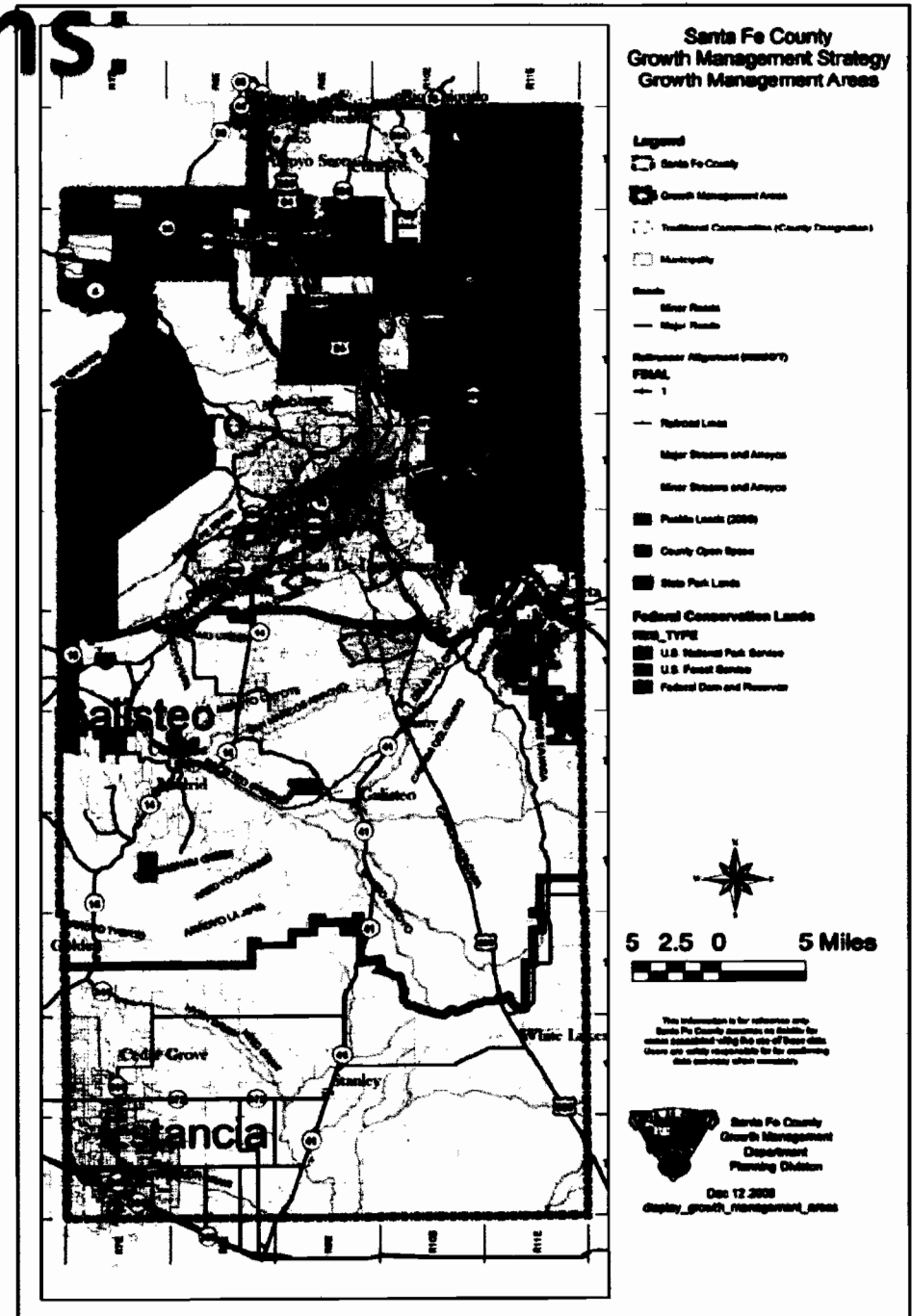
- ▶ **Revise Chapter One – A Sustainable Future for Santa Fe County.**
 - Clearly indicate that the SLDP is a guide—not a mandate.
 - Revise specific language to more clearly identify the SLDP as a guide.
 - **Growth Management Areas (GMA) Objectives:**
 - GMA Objectives are specific desired outcomes for each area of the County based on local public input.



Recommendations:

▶ Add Growth Management Areas (GMA) Definition, GMA Map and GMA Objectives for Each Chapter

- El Norte GMA
- El Centro GMA
- Galisteo GMA
- Estancia GMA



Recommendations:

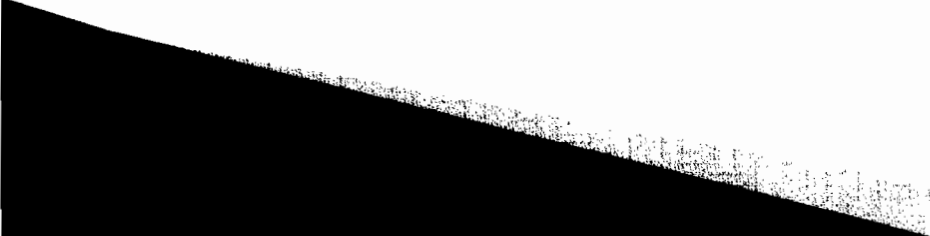
- ▶ Add Regional Planning, Partnerships and Cooperation Section to Chapter 1 to clarify and identify important regional topics, existing and potential partnerships.
- ▶ Move New Ruralism Section to Chapter 8: Sustainable Green Development Element
- ▶ Add Glossary of Terms (draft)
 - Need to clearly describe terms used in document.

Additional Recommendations:

- ▶ Chapter One: 1.1.2 Plan Directives:
 - Remove Binding Principles from Plan Directives

 - ▶ 1.4 Binding Principles for Sustainable Land Development Plan
 - Change Title to Principles for Sustainable Land Development Plan
 - Revise principle 1.4.1.1 to add in appropriate areas.

 - ▶ Revise Chapter 12: Adequate Public Facilities and Financing based on updated data.

 - ▶ Minor editing and consistency.
- 

Outstanding Issues:

- ▶ **Chapter 2: Land Use:**
 - **Developments of Countywide Impact**
 - Existing mining ordinance.
 - Sand and gravel mining.
- ▶ **Cost Analysis**
 - Clear directives for implementation
 - Costs for implementation of SLDP, CIP, and SLDC
- ▶ **Concerns from Estancia GMA Working Group and residents**
 - Desire for Estancia GMA to create their own Area Plan
- ▶ **Consistency of SLDP and Community and District Plans**

Outstanding Issues:

- ▶ Future Land Use Map designations including Santa Fe Canyon Ranch need to be reevaluated

La Bajada Ranch

- ▶ Chapter 12: Adequate Public Facilities and Financing Element

- Needs to be more concise and understandable.
- Needs better supporting data.

Impact Analysis and Cost of Sprawl sections need to be updated

Other Issues

Complex process may increase cost of development and be difficult for County to administer

SLDP Revisions:

- ▶ **How and When will SLDP Chapters be revised?**
 - Proposed revisions identified in Written Public Comments and through Public Hearings
 - Proposed revisions based on CDRC Recommendations and Board of County Commissioners Direction
- ▶ **CDRC Recommendation to the Board of County Commissioners**

Next Steps:

Board of County Commissioners (BCC):

- ▶ BCC Study Session – September 14th – 9:00 AM
- ▶ BCC Public Hearings TBD



SLDP Public Hearing:

- ▶ CDRC Comments and Questions
- ▶ Public Hearing Comments



Sustainable Land Development Plan Executive Summary Draft

The Sustainable Land Development Plan (SLDP) is an update of the 1999 Growth Management Plan and builds upon many of the concepts and policies rooted in the 1980 General Plan and the 1999 Growth Management Plan. The SLDP is a vision of the future for the County shaped by local community values, and is a guide to achieve that vision through the year 2025. The SLDP will be the statutorily authorized General Plan for the unincorporated portion of the County. Implementation of the SLDP will be achieved through the development of a Sustainable Land Development Code, an Official Map, a Capital Improvements Plan (CIP) and a Strategic Plan.

The SLDP will establish the framework for planning and land use, public facilities and services and fiscal responsibility. The purposes for the SLDP include the following:

1. Direct the Location and Character of Future Growth to Appropriate and Designated Areas that include Residential, Commercial and Industrial Uses.
2. Ensure Fiscal Responsibility.
3. Focus on Existing Community Needs, Values and Feedback in Relation to Future Planning and Local Economic Development.
4. Respect the Natural Environment, the Rural Landscape and Open spaces Between Established and New Communities.
5. Conserve Water for Present and Future Generations.
6. Redefine the Zoning Standards and the Development Review Process.
7. Provide the Appropriate County Resources to Implement a Unified, County-wide, and Sustainable Growth Management Strategy.
8. Ensure Effective, Transparent and Ethical Governance.

Sustainability Principles

The SLDP has established Principles which are focused on environmental, social and economic sustainability. The County recognizes an ecological imperative to protect the environment, a social imperative to sustain community and regional planning and an economic imperative to balance opportunities and production with responsible resource use.

Plan Elements and Directives

The SLDP is composed of fourteen elements or chapters. Each plan element begins with Key Issues which identify significant issues facing the County; Keys to Sustainability set the framework for the plan directives; Critical Findings outline the data; the Plan Directives, Goals, Policies and Strategies provide the future direction, programs, or action that the County will implement.

Growth Management Areas and Objectives

Santa Fe County delineated four Growth Management Areas (GMAs) as part of the planning process, El Norte GMA, El Centro GMA, Galisteo GMA and Estancia GMA. GMA Objectives are recommended for inclusion into the SLDP to provide specific desired directions for each geographic area of the County based on local public input.

Santa Fe County SLDP Executive Summary Draft – August, 2010

Chapter 2: Land Use Element

- ❖ Land use and development should be consistent and comply with the sustainability principles established in SLDP providing for rational development patterns, land use compatibility and adequate public facilities and services at adopted levels of service.
- ❖ The County will use the Sustainable Development Areas Map, Future Land Use Map and Official Map to guide land use, development review and infrastructure provision by clarifying zoning regulations and streamlining the development review process.
- ❖ Future development patterns should minimize land consumption, provide transit options and meet mixed use objectives through the development of appropriate land use tools and land transfer techniques.
- ❖ The County will honor existing community plans and ordinances and continue the community planning process.

Chapter 3: Economic Development Element

- ❖ Pursue a diverse and sustainable local economy that integrates environmental and community needs and supports the local workforce and provides new opportunities for local employers and residents.
- ❖ Partnerships with other non-governmental and non-profit organizations are essential as well as leading industries.
- ❖ Target industries should be supported for future economic development.

Chapter 4: Agriculture and Ranch Element

- ❖ Preserve, promote and revitalize agriculture and ranching as a critical component of the local economy, culture and character.
- ❖ Identify and protect agricultural soils.
- ❖ Support local food systems and food security.
- ❖ Preserve and support community-based agriculture and acequia landscape systems as an important part of the County's heritage and agricultural sustainability.

Chapter 5: Resource Conservation Element

- ❖ Protect, preserve and conserve the County's vast natural resources, archaeological, historic, cultural, and scenic view shed resources.
- ❖ Preserve, support and enhance the character and function of communities, neighborhoods and rural areas.
- ❖ Protect vegetation and wildlife habitats, including rare, native species, threatened and endangered species.

Chapter 6: Open Space, Trails, Parks and Recreation Areas Element

- ❖ Acquire, preserve and maintain a significant amount of land to support a network of public and private open space, parks and trails throughout the County.
- ❖ Establish an interconnected system of trails and parks, with continuous regional trail and park connections for pedestrians, equestrians, and cyclists.

Santa Fe County SLDP Executive Summary Draft – August, 2010

Chapter 7: Renewable Energy Element

- ❖ Reduce greenhouse gas emissions and dependence on non-renewable energy use.
- ❖ Promote and encourage the development and use of sustainable, renewable energy production and distribution infrastructure and reduce dependence on non-renewable energy use.
- ❖ Create a viable “Green Energy Economy” and community.

Chapter 8: Sustainable Green Design and Development Element

- ❖ Development should be consistent and comply with the principles of sustainability and conservation established in this Plan.
- ❖ Promote sustainable development through “green” building and development techniques.
- ❖ Limit solid waste production and support recycling to limit landfill use.

Chapter 9: Public Safety Element

- ❖ Preserve and protect public health, safety, welfare and property through adequate provision of law enforcement, fire and emergency response, and emergency communication services.
- ❖ Identify funding sources for operational and capital growth.
- ❖ Establish and maintain an 911 public education/community outreach program.
- ❖ Obtain and utilize the latest in emergency communications equipment and technology.

Chapter 10: Transportation Element

- ❖ Coordinate with Local, State and Federal governments and transportation organizations to develop a cohesive, safe, and efficient transportation network and transit opportunities to serve County residents, workers, employers and visitors.
- ❖ Expand safe, convenient and efficient public transportation services to encourage reduction in automobile trips and provide mobility for all people, including underserved populations.
- ❖ Ensure safe, context-sensitive design standards for transportation improvements that reflect local preferences and the needs of all types of transportation users.
- ❖ Limit air, noise and water pollution due to transportation.
- ❖ Require consistent and efficient road standards.

Chapter 11: Water, Wastewater and Stormwater Management Element

- ❖ Land use and development should be consistent with water management, environmental and hydrological capabilities and constraints.
- ❖ New development will incorporate water conservation and reclamation measures where appropriate, in order to maintain and improve reduced County-wide per capita water consumption.
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Santa Fe County SLDP Executive Summary Draft – August, 2010

Chapter 12: Adequate Public Facilities and Finance Element

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- ❖ Promote intergovernmental cooperation and coordination to address regional issues and support County goals.
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- (1) Sustainable Land Development Code
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Santa Fe County SLDP Executive Summary Draft – August, 2010

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**SANTA FE COUNTY
LEGAL DEPARTMENT
MEMORANDUM**

To: The Board of County Commissioners of Santa Fe County
Penny Ellis Green, Interim County Manager

From: Rachel Brown, Deputy County Attorney

Date: August 31, 2010

Re: An Ordinance Amending Ordinance 2010-8 in order to Exempt Projects Funded by Legislative Appropriations from Section 7, Construction Management

Santa Fe County adopted Ordinance 2010-8 on June 30, 2010 to implement new procedures for procurement. The Ordinance included a provision requiring that all construction whose total value exceeds the sum of \$250,000 be supervised by a professional construction management firm. Subsequent to adoption of the Ordinance, the New Mexico Department of Finance and Administration confirmed that legislative appropriations could not be utilized to fund construction management services. Additionally, there are County road and building construction projects in process without budget for construction management services. The Board approved publication of title and general summary of an amendment to Ordinance 2010-8 deleting the construction management requirement. At the same time as the Board took action on publication of title and general summary, several ideas were proposed regarding alternative amendments to the Ordinance which would stop short of deleting the construction management provision in its entirety.

Attached for your consideration are the following alternative versions of an amendment to 2010-8:

1. Deletion of the construction management service requirement;
2. Modification of the construction management services requirement so that it only applies to projects with a construction budget in excess of \$1,000,000;
3. Exemption of road and building projects from the construction management requirement if funding for the project was complete at the time Ordinance 2010-8 went into effect;
4. A provision requiring the County to determine how construction management services would be funded for each road or building project.

SFC CLERK RECORDED 09/30/2010

**THE BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY**

ORDINANCE NO. 2010-8

**AN ORDINANCE AMENDING ORDINANCE 2010-8 BY REPEALING SECTION 7,
CONSTRUCTION MANAGEMENT**

WHEREAS, the Board of County Commissioners of Santa Fe County (the BCC) adopted Ordinance No. 2010-8 (the Ordinance) on June 30, 2010;

WHEREAS, the Ordinance requires all building construction and road construction projects whose total value exceeds the sum of \$250,000 to be supervised by a professional construction management firm, under contract to the County;

WHEREAS, legislative appropriations for building and road construction cannot be utilized for construction management services; and

WHEREAS current County building and road construction projects do not have funding allocated for construction management.

NOW, THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY that Section 7 of Ordinance 2010-8 is hereby repealed.

PASSED AND ENACTED THIS 14th Day of August, 2010.

**THE BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY, NEW MEXICO**

By: _____
Harry B. Montoya, Chair

ATTEST:

Valerie Espinoza, County Clerk

APPROVED AS TO FORM

By: _____
Stephen C. Ross, County Attorney

SFC CLERK RECORDED 09/30/2010

**THE BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY**

ORDINANCE NO. 2010-8

**AN ORDINANCE AMENDING ORDINANCE 2010-8 SECTION 7 BY INCREASING THE
CONSTRUCTION BUDGET THRESHOLD REQUIRING
CONSTRUCTION MANAGEMENT**

WHEREAS, the Board of County Commissioners of Santa Fe County (the BCC) adopted Ordinance No. 2010-8 (the Ordinance) on June 30, 2010;

WHEREAS, the Ordinance requires all building construction and road construction projects whose total value exceeds the sum of \$250,000 to be supervised by a professional construction management firm, under contract to the County; and

WHEREAS, legislative appropriations for building and road construction cannot be utilized for construction management services.

NOW, THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY that Section 7 of Ordinance 2010-8 is hereby amended by replacing it with the following:

Section Seven. Construction Management. All construction projects whose construction budget exceeds the sum of \$1,000,000 must be supervised by a professional construction management firm under contract to the County.

PASSED AND ENACTED THIS 31st Day of August, 2010.

**THE BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY, NEW MEXICO**

By: _____
Harry B. Montoya, Chair

ATTEST:

Valerie Espinoza, County Clerk

APPROVED AS TO FORM

By: _____
Stephen C. Ross, County Attorney

SFC CLERK RECORDED 09/30/2010

**THE BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY**

ORDINANCE NO. 2010-8

**AN ORDINANCE AMENDING ORDINANCE 2010-8 SECTION 7 BY EXEMPTING BUILDING
AND ROAD CONSTRUCTOIN PROJECTS FROM THE
CONSTRUCTION MANAGEMENT REQUIREMENT IF THE PROJECTS WERE FULLY
FUNDED AT THE TIME ORDINANCE 2010-8 WENT INTO EFFECT**

WHEREAS, the Board of County Commissioners of Santa Fe County (the BCC) adopted Ordinance No. 2010-8 (the Ordinance) on June 30, 2010;

WHEREAS, the Ordinance requires all building construction and road construction projects whose total value exceeds the sum of \$250,000 to be supervised by a professional construction management firm, under contract to the County;

WHEREAS, legislative appropriations for building and road construction cannot be utilized for construction management services; and

WHEREAS many County construction projects have been planned without budget for construction management services.

NOW, THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY that Section 7 of Ordinance 2010-8 is hereby amended by the addition of the following sentence:

A building or road construction project which was fully funded and ready for construction when this Ordinance went into effect shall be exempt from the requirements of this Section.

PASSED AND ENACTED THIS 31st Day of August, 2010.

**THE BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY, NEW MEXICO**

By: _____
Harry B. Montoya, Chair

ATTEST:

Valerie Espinoza, County Clerk

APPROVED AS TO FORM

SFC CLERK RECORDED 09/30/2010

**THE BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY**

ORDINANCE NO. 2010-8

**AN ORDINANCE AMENDING ORDINANCE 2010-8 SECTION 7 TO ALLOW THE COUNTY
TO DETERMINE ON A CASE BY CASE BASIS HOW TO FUND THE CONSTRUCTION
MANAGEMENT REQUIREMENT**

WHEREAS, the Board of County Commissioners of Santa Fe County (the BCC) adopted Ordinance No. 2010-8 (the Ordinance) on June 30, 2010;

WHEREAS, the Ordinance requires all building construction and road construction projects whose total value exceeds the sum of \$250,000 to be supervised by a professional construction management firm, under contract to the County;

WHEREAS, legislative appropriations for building and road construction cannot be utilized for construction management services; and

WHEREAS, many County construction projects have been planned without budget for construction management services.

NOW, THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY that Section 7 of Ordinance 2010-8 is hereby amended by the addition of the following sentence:

The County Manager will determine how to fund or provide construction management services and may require that outside entities benefiting from the construction project provide funding for construction management services prior to commencement of construction.

PASSED AND ENACTED THIS 31st Day of August, 2010.

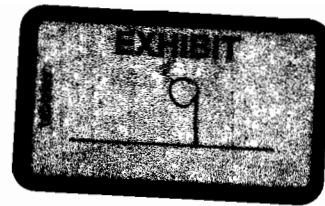
**THE BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY, NEW MEXICO**

By: _____
Harry B. Montoya, Chair

ATTEST:

Valerie Espinoza, County Clerk

APPROVED AS TO FORM



- DRAFT -
AUGUST 30 JULY 29, 2010

**THE BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY**

ORDINANCE NO. 2010 - ____

**AN ORDINANCE ENACTING A SANTA FE COUNTY
CODE OF CONDUCT
AND REPEALING ORDINANCE NO. 2004-3**

**BE IT ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF
SANTA FE COUNTY:**

SECTION 1. SHORT TITLE.

This Ordinance may be cited as the "Santa Fe County Code of Conduct."

SECTION 2. DECLARATION OF POLICY ~~(NEW)~~.

The proper and effective exercise of the democratic process and of democratic government requires that Elected Officials, Appointed Officials, Employees and Volunteers of Santa Fe County government be independent, impartial and responsible to the people; that decisions of the government and development of policy are made fairly, legally and as the result of a fair and open process; that public office or the pursuit of public office should not be used for personal gain or influence; and that the public have and maintain confidence in the integrity of government. To assist in attaining these goals, this Ordinance establishes a code of conduct and establishes minimum standards for ethical behavior for all Elected Officials, Appointed Officials, Employees and Volunteers of county government. This Ordinance also establishes the highest guidelines for ethical behavior for all Candidates for elected office, Elected Officials, Appointed Officials, Employees and Volunteers, by setting forth explicit standards of conduct and ethical behavior, explicitly describing acts which are inconsistent with these standards, and by requiring candidates for elected office, Candidates, Elected Officials, Appointed Officials, Employees and Volunteers to disclose personal interests, financial or otherwise, in matters of the County, and to remove themselves from decision-making when such interests exist.

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SECTION 3. RESPONSIBILITY OF PUBLIC OFFICE AND EMPLOYMENT ~~(NEW)~~.

Elected Officials, Appointed Officials, Employees and Volunteers hold office or employment for the benefit of the public. They are bound to uphold the Constitution of the United States and the New Mexico Constitution and the Laws of the State of New Mexico; to observe the highest standards in the exercise of the powers and duties of office or employment; to impartially carry out their duties; to discharge faithfully the duties of office regardless of personal considerations; and to recognize that the public interest must be the prime objective.

SFC CLERK RECORDED 09/30/2010

SECTION 4. DEFINITIONS.

A. "Administrative Action" means action based upon the application, or interpretation of a County Ordinance or a state statute, or a proceeding involving a license, permit, franchise or development use.

B. "Anything of Value," "benefit" or "thing of value" includes all matters, whether tangible or intangible, that could reasonably be considered to be of advantage or worth, use or service to the person to whom they are conferred. **"Anything of value," "benefit" or "thing of value"** includes (i) money, including campaign contributions or pledges; (ii) products or merchandise; (iii) works of art or collectibles; (iv) stocks, bonds, notes or options; real property or an interest in real property; contracts or a promise of a future interest in a contract; (v) an interest or a promise of a future interest in a business; (vi) meals whose total value exceeds twenty-five dollars, non-alcoholic beverages or lodging; (vii) transportation and related travel expenses not to exceed fifty dollars (\$50.00) per trip; (viii) services, including loaned employees; (ix) loans, loan guarantees or co-signing; (x) loans at below market interest; (xi) forgiveness of a debt; (xii) discounts or rebates not extended to the public generally; (xiii) preferential treatment; (xiv) tickets of admission; (xv) paid compensation not commensurate with the fair and reasonable value of the services rendered; (xvi) free or discounted use of office equipment and facilities; (xvii) intentional overpayment or knowing duplicate payments for expenses or costs; (xviii) radio or television time which is not paid at fair market value; (xix) promise or offer of present or future employment; (xx) use of autos, boats, apartments, or other recreational or lodging facilities; (xxi) intangible rights such as a cause of action; (xxii) licenses, patents, intellectual property, copyrights, or an interest in them; and (xxiii) any other item, tangible or intangible, having economic value. **"Anything of value," "benefit" or "thing of value"** does not include political endorsements, support in a political campaign or a promise of an endorsement or support.

C. "Appointed Official" means a person who is not an Elected Official or County Employee and has been appointed by the Board of County Commissioners to serve on a County Board, Commission, or Committee established by the Board of Commissioners, or to perform other functions at the request of the Board of County Commissioners.

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D. "Board of County Commissioners" or "Board" means the Board of County Commissioners of Santa Fe County.

E. "Candidate" means a person who has filed a declaration of candidacy for a position as an Elected Official of Santa Fe County. A Candidate is a Candidate from including the period of time of ~~from~~ filing the declaration of candidacy until the election, ~~through being sworn into the elected office.~~

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F. "Confidential Information" means information that has been classified as confidential by law.

G. "Conflict of Interest" means a situation in which a person exercising a duty has an interest, financial or otherwise, that potentially conflicts with the exercise of the duty.

H. "Employee" means a person who is employed, in any capacity, by the County of Santa Fe.

I. "Elected Official" means a member of the Board of County Commissioners, the County Clerk, the County Treasurer, the County Sheriff, the County Assessor, the County Surveyor but does not include the County Probate Judge.

J. "Ex parte communication" means a direct or indirect communication with a party or the party's representative outside the presence of the other parties concerning a pending adjudication that deals with substantive matters or issues on the merits of the proceeding. Ex parte communications do not include statements that are limited to providing publicly available information about a pending adjudication or solely related to the status of the proceeding.

K. "Family" means an individual's spouse, domestic partner, children, siblings, or parents.

L. "Financial Interest" means any interest of an Elected Official, an Employee, an Appointed Official, a Volunteer, that is: (i) an ownership interest or other interest in any contract or prospective contract with the County; (ii) an interest in the sale of real or personal property to or from the County; ~~;~~ (iii) ~~any employment or prospective employment for which negotiations have already begun;~~ (iii) a financial relationship with a person or business whose interests may be affected by the County either because of the County's regulatory authority or because of a pending application; (iv) ~~or (iv) any other interest that may be affected by the County;~~ or (v) any employment or prospective employment for which negotiations have already begun where the prospective employer has an interest in the sale of real or personal property to or from the County, a financial relationship with a person or business whose interests may be affected by the County either because of the County's regulatory authority or because of a pending application, or any other interest that may be affected by the County. An interest held by the Elected Official's spouse or minor children shall be considered an interest of the Elected Official, Appointed Official, a Volunteer, or Employee for purposes of this Ordinance.

M. "Non-public Information" means information that is obtained in the course of an Elected Official's, Appointed Official's, Employee's or Volunteer's duties and is subject to public inspection under state law, but that, because of its nature, is not readily accessible to the public; and if used or disclosed, a personal benefit or advantage is likely to result.

N. "Party" means a person who has submitted to the County an application seeking affirmative relief; a person who has filed a formal complaint or protest; a person who is the subject of a formal complaint or investigation; and members of the general public who participate in a pending adjudication.

O. "Pending adjudication" means any application, petition, complaint, protest, investigation or other administrative adjudicatory proceeding requiring decision or action by the Board of County Commissioners, the Land Use Administrator or the County Planning Commission.

P. "Personal benefit" means the obtaining or the promise of obtaining anything of value.

Q. "Political action" means conduct in which Elected Officials or Appointed Officials use their official positions to exercise influence on County Employees, Elected Officials or Appointed Officials; the phrase includes intervention on behalf of constituents with a governmental agency, and endorsement, pledging support, or actively supporting a County governmental matter, a nominee or a candidate for public office.

R. "Volunteer" means a person who is not an Elected Official, Appointed Official or an Employee who provides services for the County as a volunteer, without being paid and without expectation of payment for those services.

SECTION 5. NON-PARTISANSHIP.

All actions, decisions and votes on matters relating to the County government shall be made on their merits. Decisions shall be made objectively, and without party or partisanship considerations, or without facts which are not directly and properly related to the matter requiring action.

SECTION 6. PUBLIC TRUST.

A. Elected Officials, Appointed Officials, Employees and Volunteers shall Act according to the highest principles of representative democracy to ensure that the County government is worthy of public respect, trust and support.

B. Elected Officials, Appointed Officials, Employees and Volunteers shall not engage in conduct that they know or reasonably should know is likely to create in the minds of reasonable, objective, fair-minded observers the perception that they have used their public positions improperly, unethically or otherwise have not conducted themselves in accordance with the ethical standards of conduct of this Ordinance.

SECTION 7. CONDUCT AVOIDING IMPROPRIETY.

A. Elected Officials, Appointed Officials, Employees and Volunteers shall avoid conduct that creates the appearance of impropriety or that is otherwise unbecoming a public official.

B. Elected Officials, Appointed Officials, County Employees and Volunteers shall not knowingly engage in conduct that violates the rights of others to be treated fairly and with dignity and respect.

C. Elected Officials, Appointed Officials, Employees and Volunteers shall refrain from engaging in conduct, even if lawful, where personal gain or advantage is involved in a way that creates a reasonable inference that such office has been used for private benefit.

SECTION 8. LIMITATIONS ON EMPLOYMENT FOLLOWING GOVERNMENT SERVICE.

A former Elected Official, Appointed Official or Employee shall not represent a person in dealings with Santa Fe County government on a matter in which the former Elected Official, Appointed Official or Employee participated personally and substantially while an Elected Official, Appointed Official or Employee, for a period of one year following termination of service or employment. An Elected Official, Appointed Official or Employee participates in a matter personally and substantially for purposes of this Section when the Elected Official, Appointed Official or Employee is in a decision-making capacity during the government service and has the capacity to affect the outcome of the matter while an Elected Official, Appointed Official or Employee. Incidental contact with a matter, or supervisory control over persons with direct control over a matter, is not personal and substantial for purposes of this Section.

SECTION 9. PROHIBITED FINANCIAL INTEREST IN COUNTY BUSINESS (NEW).

A. No Elected Official, Appointed Official, Employee or Volunteer shall have a Financial Interest if the Elected Official, Appointed Official, Employee or Volunteer is in a decision-making capacity and has the capacity to affect the outcome of the matter in which a Financial Interest exists.

B. Elected Officials, Appointed Officials, and County Employees who have any Financial Interest shall disclose such interest by filing a Conflict of Interest Form and recording same with the County Clerk and by disclosing the interest as otherwise provided in this Ordinance or by Law, and shall thereafter be disqualified from participating in any debate, decision or vote relating thereto. [MOVED FROM SECTION 10]

~~-in any contract, work or business of the County or in the sale of any article to the County when the expense, price or consideration of the contract, work, business or sale is paid with funds belonging to or administrated by the County. No Elected Official, Appointed Official, Employee or Volunteer shall have a financial interest in the purchase of any property that (i) belongs to the County, or (ii) is sold for taxes or assessment, or (iii) is sold by virtue of any legal process or litigation of the County.~~

SECTION 10. PROHIBITED CONFLICTS OF INTEREST, DISCLOSURE (NEW MATERIAL).

A. Elected Officials, Appointed Officials, Employees or Volunteers shall strictly avoid transactions and relationships that create a Conflict of Interest. Where a Conflict of Interest is unavoidable, the Elected Official, Appointed Official, Employee or Volunteer shall disclose the Conflict of Interest and shall subordinate their conflicting interest to the public interest.

B. Elected Officials, Appointed Officials, Employees or Volunteers shall exercise their duties, powers and prerogatives without prejudice or favoritism to hire, promote, or simply to reward family members, relatives, friends, or political supporters, or to hinder or punish enemies and opponents.

~~C. Elected Officials, Appointed Officials and Employees shall not vote for or otherwise participate in the negotiation or the making of any contract with any person, business or other entity in which the Elected Official, Appointed Official has a Financial Interest.~~

CD. Elected Officials, Appointed Officials, Employees or Volunteers shall assure that constituents and others who may be affected by decisions of the County have a fair and reasonable opportunity to express their concerns, grievances, and ideas without regard to their willingness or ability to provide personal benefits or political support to the Elected Official, Appointed Official, Employees or Volunteer.

DE. Elected Officials, Appointed Officials, Employees and Volunteers shall not engage in any conduct that could create in the mind of a reasonable observer the belief that persons will receive better or different service if gifts, personal benefits or political or charitable contributions are provided.

EF. Gifts, personal benefits, favors, gratuities or political or charitable contributions, or Anything of Value shall not be solicited or received under circumstances that create a reasonable belief that special access, services, favors, or official or unofficial actions will be provided as a result of the contribution. Anything of Value shall not be solicited or received from persons doing business with the County, contracting with the County, a person or business that is regulated by the County, a person or business that has an application pending before the County, or a person or business whose interests may be affected by the County.

EG. No Elected Official, Appointed Official or Employee shall accept Anything of Value from a person, business, or other entity when the Elected Official, Appointed Official, or Employee knows or reasonably should know that said person, business, or entity does any business with the County, desires to do business with the County, contracts with the County, is regulated by the County, has an application pending before the County, or whose interests may be affected by the County.

~~H. Elected Officials, Appointed Officials, and County Employees who have any Financial Interest, direct or indirect, in any contract or matter pending before the County, who is regulated by the County, who has an application pending before the County, or whose interests may be affected by the County, shall disclose such interest by filing a Conflict of Interest Form and recording same with the County Clerk and by disclosing the interest as otherwise provided in this Ordinance or by Law, and shall thereafter be disqualified from participating in any debate, decision or vote relating thereto.~~

SECTION 11. CONFIDENTIAL INFORMATION AND MISUSE OF NON-PUBLIC CONFIDENTIAL INFORMATION.

No Elected Official, Appointed Official, Employee or Volunteer shall disclose or use Confidential Information maintained by the County without proper authorization, and such information shall not be used to advance the financial or other private interests of said person. No Elected Official, Appointed Official, Employee or Volunteer shall use Confidential Information for personal benefit.

SECTION 12. DUTY TO REPORT IMPROPER OFFERS.

A. Elected Officials, Appointed Officials, Employees and Volunteers who receive an offer of a Gift or Anything of Value that reasonably appears to have been intended to improperly influence County governmental action shall firmly and unequivocally reject the offer and caution the person making it about a possible violation of bribery laws.

B. If the attempt to improperly influence is clear, the person receiving the offer shall report it to law enforcement authorities.

SFC CLERK RECORDED 09/30/2018

SECTION 13. MISUSE OF COUNTY PROPERTY AND RESOURCES FOR PRIVATE GAIN OR PERSONAL ADVANTAGE.

A. An Elected Official, Appointed Official, Employee or Volunteer shall not use public property for any private purpose or nongovernmental purpose except as specifically provided by Law. Public property includes public funds, time, facilities, property, equipment, mailing lists, computer data, services or any other government asset or resource. This section does not prohibit the occasional and limited use of County property and resources for personal purposes if:

1. the use does not interfere with the performance of public duties;
2. the cost or value related to the use is so nominal that reimbursement procedures would not be justified; and
3. the use does not create the appearance of improper influence.

B. No Elected Official, Appointed Official, Employee or Volunteer shall seek, accept, use, allocate, grant or award public funds for a purpose other than that authorized by law or make a false statement in connection with a claim, request or application for compensation, reimbursement or travel allowances from public funds.

C. Unless authorized by the County Human Resources Handbook, no County Employee shall be asked or permitted to perform personal services. An Elected Official or Appointed Official shall not require a County employee to perform personal services or assist in a private activity except in unusual and infrequent situations where the person's service is reasonably necessary to permit the Elected Official or Appointed Official to perform official duties.

SECTION 14. MISUSE OF COUNTY PROPERTY OR RESOURCES FOR POLITICAL PURPOSES.

A. Public resources, including funds, facilities and personnel, may not be used to further partisan campaign purposes or to influence the outcome of an election, except for an election on a question proposed by the County such as whether a tax should be imposed or a debt contracted for in which case public resources may be used for the limited purpose educating voters about the details of the question.

B. A Candidate or an Elected Official shall not use or authorize the use of public funds, time, facilities, equipment, mailing lists, computer data, services or other government assets or resources for the purpose of political fundraising, campaigning, or influencing an election. This section does not prohibit the use of mailing lists, computer data or other public information lawfully obtained from a government agency and available to the general public for nongovernmental purposes.

C. A Candidate, an Elected Official, another person on behalf of a Candidate or Elected Official, or a campaign committee of a Candidate or Elected Official, shall not solicit or accept

or authorize the solicitation or acceptance of a campaign contribution in a facility or office ordinarily used to conduct County government business. This provision applies to telephone conversations, personal meetings, and solicitations by mail. If such a contribution is offered, it shall be refused or returned promptly. If an unsolicited contribution is received in the mail, or a lawfully solicited contribution is misdirected to an office ordinarily used to conduct County business, if otherwise lawful, it may be accepted, but it may not be processed in that office, and it shall be delivered promptly to an appropriate location.

D. An Elected Official, a Candidate, or a campaign committee or another person on behalf of an Elected Official or Candidate, shall not distribute or post literature, placards, posters, or other communications intended to influence the election of a candidate in an election in a facility or office ordinarily used to conduct County government business.

SECTION 15. USE OF CONFIDENTIAL INFORMATION FOR PRIVATE GAIN.

An Elected Official, Appointed Official, Employee or Volunteer, or a former Elected Official, Appointed Official, Employee or Volunteer who terminated County service within one year, shall not use or disclose Confidential Information to obtain a benefit for the Elected Official, Appointed Official, Employee, Volunteer or former Elected Official, Appointed Official, Employee or Volunteer, or another person, including a person with whom the Elected Official, Appointed Official, Employee, Volunteer or former Elected Official, Appointed Official, Employee, or Volunteer is associated or has negotiated prospective employment. This section does not allow the disclosure of information made confidential by law.

SECTION 16. MISUSE OF TITLE OR PRESTIGE OF OFFICE FOR PRIVATE GAIN OR PERSONAL ADVANTAGE.

A. An Elected Official, Appointed Official, Employee or Volunteer shall not use, induce, cause, or encourage others to use the authority, title, official letterhead or prestige of the Elected Official's, Appointed Official's, Employee's or Volunteer's office or service for his or her own private gain or personal advantage.

B. An Elected Official, Appointed Official, Employee or Volunteer shall not solicit or accept Anything of Value under terms and conditions where the compensation is not commensurate with the services performed or where a reasonable person would believe that the authority, title or prestige of office had been exploited. Nothing in this section prohibits the use of official title of an Elected Official, Appointed Official, Employee or Volunteer as a part of a political campaign or political endorsement.

SECTION 17. POLITICAL ACTIVITY (NEW).

A. No Candidate, Elected Official, Appointed Official, Employee or Volunteer shall compel, coerce or intimidate any Elected Official, Appointed Official, Employee or Volunteer to make, or refrain from making, any political contribution. No candidate, Elected Official, Appointed Official, Employee or Volunteer shall solicit or obtain by coercion any political contribution from Employees. Nothing in this subsection shall be interpreted to provide that an Elected Official, Appointed Official, Employee or Volunteer is precluded from voluntarily making a contribution or receiving a voluntary contribution.

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B. No Candidate, Elected Official, Appointed Official, Employee or Volunteer shall accept any campaign contribution in excess of \$ 2,300 per primary, general or special election, or in violation of any federal, state or local statute, law, rule or ordinance. A loan by the candidate to the campaign is not a campaign contribution for purposes of this paragraph.

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C. No Employee with contract management authority, property management authority or land use authority shall serve as a paid political consultant or as a member of the political fundraising committee of any Candidate or Elected Official.

D. No Employee shall serve as a paid political consultant, paid campaign treasurer or paid campaign manager for a candidate for federal, state city or County office. No employee shall be permitted to receive more than \$250 in reimbursement from any political campaign or political candidate in any twelve month period.

E. Employees shall not intentionally perform any political activity during any compensated time. County employees shall not intentionally misappropriate any County property or resources by engaging in any political activity for the benefit of any campaign for elective office or any political campaign.

F. At no time shall any Candidate, Elected Official, Appointed Official, Employee or Volunteer misappropriate the services of any Employee by requiring that the Employee perform and political activity: (i) as a part of the Employee's duties, (ii) as a condition of County employment; or (iii) during any time off that is compensated by the County.

G. An Employee shall not be required at any time to participate in any political activity.

H. An Employee shall not be awarded additional compensation or employment benefit in any form to engage in as a part of the Employee's official County employment duties or activities that are undertaken by an Employee on a voluntary basis as permitted by law.

I. Nothing in this section prohibits activities that are otherwise appropriate for an Employee to engage in as a part of County employment duties or activities that are undertaken by an Employee on a voluntary basis as permitted by law.

J. No Candidate shall engage in any conduct that would, to an objective third-party, constitute an undue threat to an Employee's continued employment.

SEC CLERK RECORDED 09/30/2018

K. Employees that receive compensation or reimbursement from a Candidate or political campaign on behalf of a Candidate in excess of \$250 shall be required to report such compensation or reimbursement to the County Manager, which shall include disclosure of the nature of the compensation or reimbursement.

SECTION 18. DISCLOSURE (NEW).

A. Within ten (10) days after the swearing in of any Elected Official, the Elected Official shall file a statement of economic interest with the County Clerk on a form provided by the County. Amended statements of economic interest shall be filed on an annual basis or before the 11th day of January of each year.

B. Within ten (10) days of assuming duties as an Appointed Official, Employee or Volunteer, each shall file a statement of economic interest with the County Clerk on a form provided by the County. Amended statements of economic interest shall be filed on an annual basis or before the 11th day of January of each year.

C. The following information shall be provided:

1. A description of all parcels of real estate within the County in which the person owns any interest including an option to purchase.

2. All interests in any business organization, either as owner, part owner, partner, or shareholder, in which such individual owns more than two percent of the outstanding stock or more than two percent ownership interest of any other business that is doing business with the County in an amount in excess of \$7,500 annually.

3. The identity of each person from which the individual who is required to file received, directly or indirectly, any gift or gifts having an aggregate value of more than \$250 within the taxable year proceeding the time of filing, except that such disclosure is not required for any gift from a parent, grandparent, child, grandchild, brother, sister, parent-in-law, grandparent-in-law, brother-in-law, sister-in-law, uncle, aunt, niece, nephew, spouse, boyfriend, girlfriend, domestic partner, fiancé or fiancée.

D. Any person required to file a statement hereunder shall not be required to file an amended statement unless that person undergoes a change in those economic interests that are required to be disclosed by this section. Such persons shall file the amended statement in the manner prescribed above within ninety (90) days of the date of any change in circumstances requiring filing thereof.

E. All persons required to file a statement hereunder shall comply with the provisions of this section within thirty (30) days after the requirements hereof are imposed upon such office or position.

SECTION 19. PROPER USES OF CAMPAIGN FUNDS.

Campaign funds for County elected office shall be used only to advance the interests of a campaign. Campaign funds may properly be expended for any otherwise lawful purpose intended to influence voters to elect or reelect the candidate to an elected office, including payment of staff and consultants; rental of space and equipment for a campaign office; purchase of media time and space; printing and distribution of campaign materials; postage; taking polls and interpreting them; advertising and promotional materials; and travel and related expenses for the candidate and members of the candidate's staff or immediate family.

SECTION 20. PROHIBITED USES OF CAMPAIGN FUNDS.

A. A candidate for County elected office shall not:

1. use funds raised and designated as campaign funds for the personal benefit of the candidate or for payment of attorneys' fees and other legal expenses arising from civil, criminal, or administrative actions based on conduct not directly related to the campaign or official duties;
2. convert surplus campaign funds or interest earned on campaign funds to personal income;
3. seek or claim a personal tax deduction or other economic benefit for surplus campaign funds disbursed to a charity; or
4. borrow from campaign funds or lend them to another person or group.

B. A candidate for County elected office, or another person on behalf of the candidate or a campaign committee of the candidate, shall not knowingly pay more than the fair market value for goods or services purchased for the campaign.

C. Campaign funds shall not be paid to a member of the candidate's immediate family as an employee or for goods or services provided to the campaign unless the amounts paid do not exceed the fair market value of the goods or services provided.

D. A candidate for County elected office or a committee controlled by a candidate shall not use campaign funds to make a contribution to another candidate running for office or to a committee supporting an opposing candidate for office.

E. Campaign funds shall not be used to pay fines or other monetary penalties or costs assessed against a candidate by a court or other body, unless the fine, penalty, or cost is assessed as a result of prescribed actions by a member or employee or a campaign committee or another person acting on behalf of the candidate under circumstances where the candidate did not know of or have reason to know of those actions.

SECTION 21. DISBURSEMENT OF SURPLUS CAMPAIGN FUNDS.

A. If a Candidate ceases to be a Candidate or if there remains a balance in the account of the Candidate or a committee controlled by the Candidate after the date of the election, unexpended funds in excess of the amount allowed under this section may only be used as provided in this section or to pay for a victory or thank you party. Within sixty (60) days after the end of the candidacy or the election, unexpended funds shall be:

1. used to retire bona fide loans supported by written documentation, including loans made to a campaign by the candidate or a member of the candidate's immediate family provided that all other outstanding loans are paid first;
2. returned on a pro rata basis to those who have made contributions in excess of one hundred dollars (\$100) in the aggregate a year;
3. donated to the County general fund;
4. donated to one or more organizations that qualify as charitable organizations; provided that the charity is not one that is controlled by the candidate or a member of the candidate's immediate family or in which the candidate or a member of the candidate's immediate family is personally involved as a director, trustee, member of the board, officer or other position of responsibility; or
5. transferred to an ongoing political account controlled by the candidate or another candidate, but only in the amounts and according to the requirements set out in this section.

B. Funds carried over under subsection A of this section may be expended for any political purpose for which campaign funds may otherwise be properly used.

SECTION 22. COERCION.

A. An Elected Official shall not, directly or by authorizing another to act on his or her behalf, state or imply that the Elected Official's willingness to meet with a person, is dependent on the person making a campaign contribution, donating to a cause favored by the Elected Official or providing a thing of value to the Elected Official.

B. An Elected Official shall not directly, or by authorizing another to act on the Elected Official's behalf:

1. agree or threaten to take or withhold any County governmental action, as a result of a person's decision to provide or not provide a political contribution;
2. state or imply that the Elected Official will perform or refrain from performing a lawful constituent service as a result of a person's decision to provide or not provide a political contribution;

3. agree to or participate in a scheme or plan intended to evade the requirements of any applicable state ethics statutes, this Ordinance, or another financial disclosure provision of state or County law; or

4. knowingly accept a contribution given or offered in violation of any applicable state ethics statutes or this Ordinance.

SECTION 23. REPORTING VIOLATIONS OF THIS ORDINANCE.

Any Elected Official, Appointed Official, Employee or Volunteer, or member of the public, may submit a complaint of unethical conduct to the County Ethics Board by delivering to the County Attorney's Office a sworn complaint alleging facts which, if true, would constitute a violation of this Ordinance. The County Attorney's office will forward all such sworn complaints to the County Ethics Board for further proceedings. ~~In the alternative, any individual may submit a confidential report of facts which, if true, would constitute a violation of this Ordinance to the County Attorney's Office who shall immediately forward the confidential report to the Internal Audit Contractor. Thereafter, the allegations shall be investigated by the County's Internal Audit Contractor. If the Internal Audit Contractor finds facts that constitute a violation of this Ordinance, the Internal Audit Contractor will prepare the sworn complaint and present its investigation to the County Ethics Board.~~

SECTION 24. COUNTY ETHICS BOARD (NEW).

A. There shall be created a Santa Fe County Ethics Board that shall consist of five members ~~who shall be appointed by the Board of Commissioners, with each Commissioner nominating one member residing in his/her Commission District.~~ At least one citizen member shall be appointed; the citizen members shall not be affiliated with County government in any capacity, including, but not limited to, employment (including employment for which the salary is in any way funded by or through the County), appointment, election, or serving as a volunteer. The members of the County Ethics Board may not hold elected public office or office with any political party within the County. Each member shall serve a two year term, subject to reappointment thereafter.

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B. The County Ethics Board shall elect its own chair and vice-chair. If any member of the County Ethics Board petitions the Ethics Board for a hearing and advice regarding his or her own conduct or the conduct of others, such member shall not be eligible to sit in such cases, and an alternate member shall be seated from that Commission District when the need arises.

C. The jurisdiction of the Ethics Board is limited to acting within the scope of matters covered by this Ordinance, but may periodically review and recommend amendments to this Ordinance.

D. Upon the sworn complaint of any person alleging facts which, if true, would constitute a violation of this Ordinance, ~~or upon the filing of a complaint by the Internal Audit~~

Contractor, the County Ethics Board shall conduct a public hearing on the allegations of the complaint.

E. The County Ethics Board shall adopt rules of procedure for conducting hearings pursuant to this Ordinance. The rules of procedure shall be consistent with the rules for conducting administrative hearings in Santa Fe County.

F. The County Ethics Board shall have the power to issue administrative subpoenas compelling the attendance of witnesses at hearings and the production of documents, and the authority to seek enforcement of those subpoenas by the First Judicial District Court.

G. If the County Ethics Board finds that an Elected Official, Appointed Official, Employee or Volunteer violated any provision of this Ordinance, the County Ethics Board, upon a majority vote of the entire membership, shall forward its written findings of fact and conclusions of law to the County Manager or, as appropriate, the District Attorney, for appropriate action.

H. If the County Ethics Board finds, upon a majority vote, that a candidate, Elected Official, Appointed Official, Employee or Volunteer has violated this Ordinance, the County Ethics Board may impose any of the following penalties after the entry of written findings of fact and conclusions of law:

1. a civil fine not to exceed \$300; or
2. a written finding of censure; or
3. a referral to the appropriate governmental office.

I. No action may be taken by the County Ethics Board on any complaint that is filed later than one year after a violation of this Ordinance is alleged to have occurred or that is filed more than six months from the date of the discovery of the alleged violation, upon due diligence by the complaining party, of the facts constituting a violation, whichever event occurs later.

J. The County Ethics Board may also provide advisory opinions regarding the applicability or interpretation of the provisions of this Ordinance upon the request of any Elected Official, Appointed Official or County Employee.

K. On a quarterly basis, the Board of Commissioners shall be provided with a report stating the number of complaints that were submitted alleging a violation of this Ordinance.

SECTION 25. RIGHT OF APPEAL (NEW).

Any decision of the County Ethics Board finding a violation of this Ordinance, with respect to an Elected Official, Appointed Official, Employee or Volunteer, may be appealed to the First Judicial District Court pursuant to NMSA 1978, Section 39-3-1.1 (1998, as amended); provided, however, that any decision regarding a County Employee shall be covered by the terms of the Human Resources Handbook or collective bargaining agreement, as applicable.

SECTION 26. NON-RETALIATION; (NEW)

A. The Board of Commissioners does not tolerate retaliation, workforce discrimination or harassment of any kind against any person who has reported a violation of this Ordinance in good faith. This non-retaliation provision applies whether the complaint is ultimately determined to be well-founded or unfounded. All Elected Officials, Appointed Officials, Employees and Volunteers are specifically prohibited from taking any adverse employment action, engaging in workplace discrimination or harassment of any kind, or other retaliatory action against anyone for reporting a good faith claim of violation. Anyone who believes that they have been subject to workplace discrimination or harassment of any kind or who has been retaliated against in violation of this Ordinance should submit a sworn complaint to the Ethics Board or the Human Resources Department setting forth the claim.

B. This non-retaliation provision is not applicable to claims that were not submitted in good faith and for which the County Ethics Board finds that the complaint was frivolous.

SECTION 27. EX PARTE COMMUNICATIONS (NEW).

A. EX PARTE COMMUNICATIONS PROHIBITED.

1. An Elected Official or Appointed Official designated to hear an administrative adjudicatory matter pursuant to the County's Land Development Code or any other County ordinance, shall not initiate, permit or consider a communication directly or indirectly with a party or the party's representative outside the hearing and outside of the presence of all other interested parties concerning the pending matter.

2. An administrative adjudicatory matter is one that involves the use of a discretionary standard, as specified in the Land Development Code or other County ordinance, to an application for discretionary approval.

3. Notwithstanding the provisions of Subsection 1, above, *ex parte* communications for procedural or administrative purposes, ~~or during emergencies, or~~ that do not deal with substantive matters or issues on the merits of the application, shall not be prohibited if the Elected Official or Appointed Official reasonably believes that no party will gain an advantage as a result of the *ex parte* communication and promptly notifies all other parties of the substance of the *ex parte* communication.

4. An Elected Official or Appointed Official who receives or who makes or knowingly causes to be made a communication prohibited by this Ordinance shall disclose the communication to all parties and give other parties an opportunity to respond.

B. RECUSAL.

1. An Elected Official or Appointed Official shall recuse himself or herself in any pending administrative adjudicatory matter in which the official is unable to make a fair and

impartial decision or in which there is a reasonable doubt about whether the official can make a fair and impartial decision, including:

a. when the official has a personal bias or prejudice concerning a party or its representative or has prejudged a disputed evidentiary fact. For the purposes of this paragraph, "personal bias or prejudice" means a predisposition toward a person based on a previous or ongoing relationship, including a professional, personal, familial or other intimate relationship, that renders the official unable to exercise his or her functions impartially;

b. when the official has a pecuniary or Financial Interest in the outcome of the proceeding;

c. when, during previous employment, the official served as an attorney, adviser, consultant or witness in the matter in controversy; or

d. when, as a candidate for office, the official announced how he or she would rule on the adjudicatory proceeding or a factual issue in the adjudicatory proceeding.

2. An Elected Official or Appointed Official shall not be required to recuse himself or herself in any pending administrative adjudicatory matter merely because the official possesses and discusses general viewpoints on public policy that an application may raise. Similarly, an Elected Official shall not be required to recuse himself or herself in any pending administrative adjudicatory matter merely because the Elected Official made representations during a political campaign on viewpoints on public policy that an application may raise.

3. If, prior to the hearing, an Elected Official or Appointed Official fails to recuse himself or herself when it appears that grounds exist, a party shall promptly notify the Elected Official or Appointed Official of the grounds for recusal. If Elected Official or Appointed Official declines to recuse himself or herself upon request of a party, the official shall provide a full explanation in support of his refusal to recuse himself or herself.

43. If, during the hearing, an Elected Official or Appointed Official fails to recuse himself or herself when it appears that grounds exist, a party shall promptly notify the Chair of the grounds for recusal. If the Elected Official or Appointed Official declines to recuse himself or herself, the Chair may entertain a motion to excuse the official from further participation in the matter. If the motion is successful, the official shall be excused from further participation in the matter.

SECTION 28. RESTRICTIONS ON THE BOARD OF COUNTY COMMISSIONERS; ADMINISTRATION OF THE PERSONNEL SYSTEM, MANAGEMENT.

A. The Board of County Commissioners shall not perform, collectively or individually, an executive function in the administration of the personnel system, except for employment and removal of the county manager, making collective recommendations to the County Manager on general personnel policy, approving or disapproving collective bargaining agreements and

county personnel policies, or approving any proposed reorganization which creates or abolishes a department.

B. The Board of County Commissioners shall not perform, collectively or individually, general executive management functions in the administration of county government; these functions shall be delegated to the County Manager. This paragraph shall not apply to matters of policy, the responsibility and authority of the Board of County Commissioners to approve budgets and expenditures, contracts outside the signature authority of the County Manager, and matters that, in the discretion of the Board of County Commissioners, while they may involve management issues, are of County-wide importance.

SECTION 298. PENALTIES.

A person who violates this Ordinance is guilty of a misdemeanor and is subject to one or more of the following:

- A. a fine of up to three hundred dollars (\$300.00) for each separate violation of this Ordinance;
- B. a public reprimand;
- C. a recommendation to the District Attorney that the violation be pursued in criminal or other proceedings; and
- D. proceedings and penalties pursuant to the Santa Fe County Personnel Handbook, where appropriate.

SECTION 3029. REPEAL.

Santa Fe County Ordinance No. 2004-3 is hereby repealed.

SECTION 310. EFFECTIVE DATE.

This Ordinance shall become effective as of the date provided by law.

**THE BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY**

By _____
Harry B. Montoya, Chair

ATTEST:

Valerie Espinoza, County Clerk

Approved as to form:

Stephen C. Ross, County Attorney

SFC CLERK RECORDED 09/30/2018

**SANTA FE COUNTY
LEGAL DEPARTMENT
MEMORANDUM**

To: The Board of County Commissioners
Penny Ellis Green, Interim County Manager

From: Stephen C. Ross, County Attorney

Date: August 31, 2010~~August 19, 2010~~

Re: Code of Conduct for Santa Fe County

Attached is a draft of a comprehensive rewrite of the Santa Fe County Code of Conduct. This draft is largely unchanged from last month, when the draft was presented informally during the meeting of June 29.

The primary changes from existing law are clearly marked as new material. The most significant changes from current law are as follows: (i) the draft ordinance provides a very broad declaration of an intent to establish an ethical and open government, free from personal or financial influences; (ii) the draft ordinance provides that Elected Officials, appointees, employees and volunteers are required to observe the highest standards in exercising their authority for the public good, and that the public interest is the prime objective; (iii) a new section prohibits improper financial interests in County business, and broadly reformulates the conflicts of interest section of Ordinance No. 2004-3; (iv) a new section governs political activity, imposes campaign contribution limits (\$2,300), and provides important protections for employees from the political process; (v) a new section requires disclosure, through the financial interest form, of relevant conflicts of interest and financial interests; (vi) the draft ordinance creates an independent, appointed ethics board to administer the ordinance; (vii) provides new rules on *ex parte* communication in administrative adjudicatory proceedings; and (viii) and protects employees from retaliation and workforce harassment for reporting violations of the ordinance.

The language from the existing ordinance, No. 2004-3, was edited, modernized and clarified.

The question before you is whether to authorize publication of title and a general summary of the proposed ordinance.