



COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

BCC MINUTES
PAGES: 127

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SANTA FE COUNTY

BOARD OF COUNTY COMMISSIONERS

REGULAR MEETING

September 11, 2012

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

SEC. CLERK RECORDED 11/06/2012

SANTA FE COUNTY

REGULAR MEETING

BOARD OF COUNTY COMMISSIONERS

September 11, 2012

This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 2:07 p.m. by Chair Liz Stefanics, in the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

Prior to the Pledge of Allegiance led by Renee Sandoval and State Pledge led by Valerie Salinas, roll was called by Deputy County Clerk Vicki Trujillo and indicated the presence of a quorum as follows:

Members Present:

- Commissioner Liz Stefanics, Chair
- Commissioner Kathy Holian, Vice Chair
- Commissioner Robert Anaya
- Commissioner Danny Mayfield
- Commissioner Virginia Vigil

Members Excused:

[None]

V. Moment of Reflection

The moment of reflection was led by Marie Garcia from the Health and Human Services Department.

Margie Romero from Human Resources sang the National Anthem in honor of those affected by 9/11.

VI. APPROVAL OF THE AGENDA

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- B. Tabled or Withdrawn Items**

KATHERINE MILLER (County Manager): Madam Chair, we have one addition under Proclamations, item IX. B. We also have a tabled item under the Public

Hearings, item XVII. A 8, the last case.

Also, I'd like to request if the Commission will do so, moving the items from Matters from the Commission, A. 1 through 7, New Mexico Association of Counties Resolutions up to the front. Tito Chavez is with us right now and could answer any of the Commissioners' questions relative to the resolutions that the Association of Counties is requesting that we pass in support of the Association's legislative initiatives.

CHAIR STEFANICS: Thank you very much. Commissioners, what's your pleasure?

COMMISSIONER HOLIAN: Madam Chair, I move for approval of the agenda as amended including the suggestion by our Manager.

COMMISSIONER VIGIL: Second.

CHAIR STEFANICS: Thank you. Any discussion?

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

VII. APPROVAL OF MINUTES

A. Approval of July 31, 2012 BCC Meeting Minutes

COMMISSIONER HOLIAN: Madam Chair.

CHAIR STEFANICS: Yes.

COMMISSIONER HOLIAN: I move for approval of the minutes of July 31, 2012.

CHAIR STEFANICS: Thank you. Is there a second?

COMMISSIONER MAYFIELD: Second, Madam Chair.

CHAIR STEFANICS: There's a motion and a second. Any discussion?

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

XVI. MATTERS FROM THE COMMISSION

A. Resolutions

1. Resolution No. 2012-109, a Resolution Supporting Disclosure of All Sales to Assessor

CHAIR STEFANICS: These are resolutions that the County has been asked to support along with other counties coming from the board of directors from the New Mexico Association of Counties. So XVI.A.1 is Resolution No. 2012-109. It's a resolution supporting disclosure of all sales to the Assessor. In your books, Commissioners, is a very short introductory page and then the actual resolution that was passed by the board. Most of these resolutions do come from the affiliates and so they are here, and Mr. Tito Chavez who is one of the legislative liaisons for the Association of Counties traveled from Albuquerque to be with us today to answer any questions. Are there any questions for Mr. Chavez? This is a public hearing since it's a resolution and we will ask for public comment in a minute. Yes, Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, more procedural at first.

Are we going to one at a time or questions one through seven.

CHAIR STEFANICS: We need to vote on them one at a time in case you do not accept something.

COMMISSIONER MAYFIELD: No, no. I have questions on two of them.

CHAIR STEFANICS: Right. We're just doing number one first, A. 1. A. 1 is Resolution No. 2012-109, a resolution supporting disclosure of all sales to the Assessor. Any comments?

COMMISSIONER ANAYA: Madam Chair.

CHAIR STEFANICS: Yes.

COMMISSIONER ANAYA: Madam Chair, Mr. Chavez, could you speak a little to the history behind this particular resolution. My assumption is this resolution originated in the Assessors Affiliate. And specifically, if you could speak to the existing disclosure law that's on the books, and then also note the requirements that you're aware of. Some of these maybe you don't have the full background on. I know you are very keen to county rules and requirements, but talk a little about this particular resolution, where it originated, who originated it at the Association of Counties and just give a little background. I just want to say upfront I have some concerns but I'd like to hear some background on the resolution before I make any further comments.

TITO CHAVEZ: Sure. Chairman Stefanics and Commissioner Anaya, this first resolution regarding the disclosure of real property sales has been an issue for several years. Right now the present law requires transferors and transferees to provide an affidavit to the Assessor providing the sales information to the Assessor. However, it's still considered a non-disclosure state because that cannot be used in valuations. It's used I think in statistics, in regional statistics in various ways by the Assessor but it's not being used for valuation purposes.

There's a very strong feeling amongst many that if we had full disclosure, number one, then we'd have more accurate figures for the Assessor to go by, so we would be [inaudible] and correct or at least correct. Also, if you had the full disclosure there wouldn't be a mistrust of government. People can't just ask for somebody else's figures and know if their neighbor is this or that or whatever that might be. I've attended some meetings recently where I know that the Real Estate Association is pretty split on this issue but the county affiliate, either the Assessor before a resolution that this is are in support of that. So there's really just a strong feeling that we would be much better off if we had an accurate knowledge of that the values are rather than having to go to other sources to try to figure out what the values are.

COMMISSIONER ANAYA: Madam Chair, Mr. Chavez, would you - when disclosure went into place it became a huge tool for the Assessors across the state to be able to find a piece of property that had gone through a transaction and then utilize their existing staff and in some cases contract staff to evaluate the property. It's my perspective that the disclosure law as it exists already provides an appropriate mechanism for the Assessors Office and that we have assessors with field staff statewide that evaluate and then assess property. So respectfully, I will vote no on the resolution. Thank you, Mr. Chavez.

CHAIR STEFANICS: Thank you. This is a public – oh, Commissioner Mayfield. Did you have a question for Mr. Chavez?

COMMISSIONER MAYFIELD: Yes, Madam Chair. Thank you. Madam Chair, Mr. Chavez, as far as the resolution, you're familiar with the resolution that's in front of this Board. I'm looking at a couple of the whereases, and I'm going to read the third and then the fourth whereas. Whereas, the Assessor's duty is to appraise and assess all properties, residential and non-residential fairly and equitably according to market values. Whereas, the best approach in determining the market value of the property is utilizing the sales comparison approach, which requires the use of sales data.

So I guess how I'm seeing, and what I just heard you articulate to Commissioner Anaya, is that by once this sale happens then they will be using this as a comparison data? Would they then need the market value approach if they have a true comp of what sold next door?

MR. CHAVEZ: Madam Chair and Commissioner, I think it's at least my opinion that they will be one and the sale because that is your market and that is your sale. Again, I'm glad you brought up that point because this also means that right now you could only get the affidavits on residential property. This resolution would also say you would get that affidavit on commercial property and vacant property, which isn't the case now.

COMMISSIONER MAYFIELD: Madam Chair and Mr. Chavez, because this doesn't say anything about commercial property on that. It just talks about residential property, I believe. And that was going to be my next question, why aren't we looking at this also for commercial property?

MR. CHAVEZ: Madam Chair and Commissioner, we are [inaudible] in the next Association of Counties support legislation of the revised disclosure for all real property. So it's commercial and residential. My first statement may have kind of misled you. I was talking about mostly residential, but this is – this applies to commercial and residential and vacant, which could be residential or commercial under vacant.

COMMISSIONER MAYFIELD: Excuse me, Madam Chair, Mr. Chavez, where are you reading that at?

MR. CHAVEZ: I the therefore, the last paragraph.

COMMISSIONER MAYFIELD: Okay. For all real property, and that does include commercial then.

MR. CHAVEZ: Yes, Madam Chair and Commissioner.

COMMISSIONER MAYFIELD: Thank you. So Madam Chair, Mr. Chavez, then is there a way to have the assessors, at least at the meetings you've been at – are they going about it wrong now by doing the market comparison studies? Is that why they want to true up and try to get sales comparison data?

MR. CHAVEZ: Madam Chair, Commissioner, I just think it would be more accurate and reliable.

COMMISSIONER MAYFIELD: So I guess on my question then, so right now it's not accurate or reliable the way they're doing it right now?

MR. CHAVEZ: I think it can be – the statement I've heard is that it can be

more reliable than it is now.

COMMISSIONER MAYFIELD: I guess that's just one of my questions is I think the way that we're going about it now is not maybe the total accurate way or the most reliable way to do it. That's caused me some concerns and I think this is kind of validating, this resolution is validating that the way it's being done right now is maybe not the most accurate or reliable way.

MR. CHAVEZ: Madam Chair and Commissioner, that's correct.

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

CHAIR STEFANICS: Thank you. Since this is a resolution we would like to take public comment. Is there anyone in the audience who wants to speak on this particular resolution? Seeing none, Commissioners, what's the pleasure?

COMMISSIONER HOLIAN: Madam Chair.

CHAIR STEFANICS: Yes, Commissioner Holian.

COMMISSIONER HOLIAN: For approval of Resolution No. 2012-109.

CHAIR STEFANICS: I will second that. There is a motion and a second for approval of Resolution No. 2012-109. My only comment is I think this has been discussed for many years and the County Association would like to continue sending a message to the legislature. Further discussion?

The motion passed by majority [4-1] voice vote with Commissioner Anaya casting the dissenting vote.

XVI. A. 2. Resolution No. 2012-110, a Resolution Supporting Local Government Database Royalties

CHAIR STEFANICS: Commissioners, this has been discussed and brought forward by the County Clerks Affiliate, and there is concern that we've had some cases where out of state individuals have come in asking for quite a large amount of information and that information not being duly recognized when fees are paid. So, Mr. Chavez, do you want to add anything to that?

MR. CHAVEZ: Madam Chair, Commissioners, that's correct. Pretty large companies coming in and asking for entire databases. It's not like a neighbor calling and asking for a public record. These are huge, voluminous records and the state presently has the ability to charge for these databases; the counties do not. Historically, the counties did charge for it but they don't have the express authority in the statutes. This asks for the authority to be able to charge for those kinds of databases.

On page 9 of the bill that was submitted last time I notice that it says if the request is for more than 100 records to pay a royalty or other consideration of the county or municipality may be agreed upon by the county or municipality that created the database. That's kind of the way the line was drawn the last time. Actually it's changed but there's some requirements. Apparently there's a lot of time and effort that's put into these

databases and these are just taken by the companies who make huge profits on them and nothing comes back to the county. So the counties would like to have that ability.

CHAIR STEFANICS: Are there any questions for Mr. Chavez? This is a time for public comment. Is there anybody in the audience that would like to comment on this resolution? Okay. Commissioners, what's the pleasure?

COMMISSIONER VIGIL: Madam Chair, I move to approve Resolution No. 2012-110.

COMMISSIONER HOLIAN: Second.

CHAIR STEFANICS: There is a motion and a second for approval of Resolution No. 2012-110. Is there further discussion or questions?

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

XVI. A. 3. Resolution No. 2012-111, a Resolution Supporting Traffic Violation Reform

CHAIR STEFANICS: This time last year we considered the same item. This would not take any criminal activities and make them minor. It would simply identify that traffic violations would not put people in jail. And the reason this is being done and many small counties do not have a jail capacity for every traffic violation. This would not let somebody off the hook for DWIs, for injury to individuals. There continues to be an effort to educate the judges, the courts and the legislature about this. Mr. Chavez, anything you want to add?

MR. CHAVEZ: Madam Chair and Commissioners, there is some information, just to say statewide this kind of change would save in excess of \$3.6 million annually. In Bernalillo County there's over 40,000 warrants outstanding. I just think I wonder if they would be able to serve all those within my lifetime. So it's really a tremendous problem. And there are the little horror stories you always hear, the single mother of three children who gets thrown in for a traffic ticket she didn't pay or something and then stays there for 28 days. There's things that occur like that. So this would free up the officers to be on the street for more serious things. There would have to be some determination of where the money – how the money would be distributed after it's taken in. That will certainly be an issue. It would be a tremendous help to the jails in all the counties to be able to adopt this kind of system and there are some in other states.

CHAIR STEFANICS: Thank you. Any questions for Mr. Chavez?

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR STEFANICS: Yes, Commissioner Mayfield.

COMMISSIONER MAYFIELD: Thank you. Madam Chair, Mr. Chavez, I think it's well warranted to do that, but let me go back. If it's a civil – now it's civil, right? If somebody does not pay the citation then a judge can issue a default judgment?

MR. CHAVEZ: Madam Chair, Commissioner, it is criminal now.

COMMISSIONER MAYFIELD: It's criminal now but –

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MR. CHAVEZ: [inaudible] magistrate or metropolitan court. And if you don't, they will issue a warrant for your arrest is what's happening.

COMMISSIONER MAYFIELD: What's being proposed now will say it will be civil and they will issue a default judgment against you if you don't pay that ticket.

MR. CHAVEZ: They can. If they sue civilly for that they can get a default judgment. Or, they can do it like some other things that have been done. You can take, let's say you pay it or you'll lose your license by x-date. You will not be able to apply for a fishing license, a hunting license, any state privilege. So there's a lot of ways, a lot of leverage that can be used other than jail. At the end of this new procedure, as a last resort a civil judge can issue a contempt order if they haven't paid. If all that doesn't work they can issue a contempt order and still that person could end up in jail on civil contempt.

COMMISSIONER MAYFIELD: Okay, and then Madam Chair, Mr. Chavez, so say there's just been a data entry error. You've received a ticket, you've received one of those ones that flash you when you're driving down the street. You pay it, but now there's just a clerical entry issue and you have the proof and they've already issued a contempt citation for you. How do you clean that up? Do you just go to the judge yourself?

MR. CHAVEZ: Yes. Well, I don't know about the out of state. It might be a whole different thing. But they may be done in the cities that have a CAMA system. But normally, if you get one of the tickets you would go to the state Motor Vehicle Department and show that you have paid it, if you took that back to the judge and it's just dismissed, you won't be charged court costs or anything. If you haven't it starts all those fees, charges and everything down the line.

COMMISSIONER MAYFIELD: Okay. And I guess the other side of it was if this doesn't pass then you'd be trying to figure this out from a jail cell how to do that, right? If you already paid it and they just had a clerical issue.

MR. CHAVEZ: Madam Chair, Commissioner, that's correct. You'd have to get an attorney or someone in your family to chase around to show that you were in compliance.

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

CHAIR STEFANICS: Thank you. This is time for public comment on this resolution. Is there anyone in the audience who would like to comment on this resolution? Seeing none, what's the pleasure of the Commission?

COMMISSIONER HOLIAN: Madam Chair, I move for approval of Resolution No. 2012-111.

CHAIR STEFANICS: I'll second. Further discussion, comments?

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

XVI. A. 4. Resolution No. 2012-112, a Resolution Supporting EMS Funding

CHAIR STEFANICS: Basically, this resolution is to request that there be a

state revenue stream for rural emergency medicine services rather than every county scrambling to come up with the money. Mr. Chavez, anything you want to add?

MR. CHAVEZ: Madam Chair, Commissioner, [inaudible] some discussion of course how serious these actions and things that happen are and the counties are either the first responders or [inaudible] the first responders to all of these incidents and they'd like to get a steady stream for the help that they need.

CHAIR STEFANICS: Any questions for Mr. Chavez?

COMMISSIONER HOLIAN: Madam Chair.

CHAIR STEFANICS: Yes, Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Madam Chair. Madam Chair, Mr. Chavez, would this also include funding for equipment that we've needed for the emergency services? Or is this just for operations?

MR. CHAVEZ: Madam Chair and Commissioner, I cannot answer that. I was not privy to the discussions so I would have to get back to you on that issue. I do not know if it's both or not.

COMMISSIONER HOLIAN: Okay. Thank you.

CHAIR STEFANICS: Thank you. And I believe that it was either Senator Griego or Senator Feldman who carried this last year and the Governor thought it was a new – the way it was written was a new tax. So it was being rewritten a little differently this year. This is public comment time. Is there anybody in the audience who wishes to speak to this issue? Okay, the pleasure of the Commission?

COMMISSIONER HOLIAN: Madam Chair, I move for approval of Resolution No. 2012-112.

CHAIR STEFANICS: Thank you. Is there a second?

COMMISSIONER ANAYA: Second.

CHAIR STEFANICS: There's a motion and a second. Any further discussion?

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

XVI. A. 5. Resolution No. 2012-113, a Resolution Supporting Fireworks Licensing and Safety

CHAIR STEFANICS: On this particular resolution the County has been limited to certain types of fireworks that we can ban, so we are looking for further authority. Mr. Chavez, anything you want to add?

MR. CHAVEZ: Madam Chair and Commissioners, and that specific authority is for Roman candles, mines and shells. That's all they're adding to that list in the last paragraph on page 16 of the resolution.

CHAIR STEFANICS: Any questions for Mr. Chavez?

COMMISSIONER ANAYA: Madam Chair.

CHAIR STEFANICS: Yes, Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I know this is a resolution that had a lot of discussion statewide. Does it cut to the core to allow within law or a local jurisdiction to ban all fireworks? Does this go to the length that's been discussed previously that we as a County jurisdiction can ban all fireworks?

MR. CHAVEZ: Madam Chair, Commissioner, no it does not. There are certain types that you can and that you can't in still existing law. There was a bill proposed I think the last couple of sessions that died that would have given even more authority. I think it came - started with the Governor's office but you still had local option to do that, but I think that bill died very quickly.

COMMISSIONER ANAYA: So, Madam Chair, Mr. Chavez, was there a lot of discussion at the board level, Madam Chair, or at the affiliate level. I know that we have our Chief here but I know that if local governments had that latitude, especially in extreme conditions. Why did it die, I guess? Why did the Association of Counties not take the next step to provide local governments the ability to ban all fireworks?

MR. CHAVEZ: Madam Chair and Commissioner, as a political reality it's incredibly difficult. You also get into questions of - I don't know. Business, free enterprise. You have to show a safety factor and we do and that's why you need the drought conditions to do that. If you don't have those kinds of conditions then it's all right to be able to do this in our free country. You still have the same power you had before, it just hasn't been expanded and it would have been expanded but the Governor wanted some authority also to ban it statewide and that's the bill that failed. But the County still has the authority it had before, other than for these three, and they wanted to have Roman candles, mines and shells because they think they're very dangerous as are the other ones that could be banned presently.

COMMISSIONER ANAYA: Thank you, Mr. Chavez. Madam Chair, could we hear from our Chief on this particular item? I know we, especially in drought conditions and the fire danger being what it's been in recent years I know it's a major issue. What comments would you have, Chief?

DAVE SPERLING (FIRE CHIEF): Madam Chair, Commissioner Anaya, Commissioners, I believe that the fire service, Fire Chiefs Association will be lobbying this year for what we have done in the past and that's to have the ability to ban fireworks statewide during drought conditions and I respect the position that the Association of Counties has taken and the political realities that that speaks to but from a public safety standpoint I think it's important that those of us in the fire service try to continue our proactive approach to having local authority to ban fireworks under certain conditions.

COMMISSIONER ANAYA: Madam Chair, Chief, I would be happy to work with you to come up with a resolution that we can expand, go beyond this level for the County and support what the Association is working on.

CHIEF SPERLING: Thank you, sir.

CHAIR STEFANICS: Thank you. This is the time for public comment. Is there anybody in the audience who would like to comment on this? Thank you. Questions, comments, motions?

COMMISSIONER HOLIAN: Madam Chair.

CHAIR STEFANICS: Commissioner Holian.

COMMISSIONER HOLIAN: Move for approval of Resolution No. 2012-113.

CHAIR STEFANICS: Thank you. And I will second that. Further questions, comments?

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

XVI. A. 6. Resolution No. 2012-114, a Resolution Supporting Delinquent Property Tax Sales

CHAIR STEFANICS: And rather than try to explain this I'm going to let Mr. Chavez explain it.

MR. CHAVEZ: Thank you, Madam Chair. I left the most difficult one for you. Any property taxes that are delinquent after two years are delinquent. It's after two years they become delinquent. That's the third year the state can go ahead and foreclosure or file a lawsuit to get those taxes. What's occurring now is the language in the statute, if you look at the statute on page 20, page 101 it says page 20. Anyway it says the department may collect delinquent taxes on real property and so forth. They want to change the may to shall. It's discretionary, so a lot of the property just sits there and it never gets collected on by the state, so they don't get the money at the local level. You don't get the money at the state level and it doesn't show anybody that tax is going to be taken so they know they can just sit there and not pay it for a very long time. So we think it would be best if the department went ahead and collected on those properties and everybody would receive the revenue they're supposed to get and everything would operate a little better than it has been in the past.

CHAIR STEFANICS: Thank you. And this came from the Assessors Affiliate? Is that correct?

MR. CHAVEZ: That's correct, Madam Chair and Commissioners.

CHAIR STEFANICS: Commissioners, the issue that the Assessor brought forward to us was that the State Taxation and Revenue Department are treating each county differently. They're requiring quite a bit of work from the county's assessor's office on these delinquent taxes and they're pulling staff from their regular duties to actually do some of these property audits and then not doing anything about the delinquent properties. And since it says in the statute that they have the responsibility to do something about it, in some of the counties they've been going in and having property sales and in other counties they haven't been. So the counties can't do anything with them. And the counties are sitting on some properties. Am I representing this correctly?

MR. CHAVEZ: Madam Chair, Commissioners, yes. There's a variation of all of that. That's correct.

CHAIR STEFANICS: So I can understand how some people would see it as a negative item, selling properties with delinquent taxes. And the assessors believed that the state law was not being enforced consistently. Questions for Mr. Chavez. Yes,

Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I – understanding your explanation and the resolution. This is also another resolution that I wouldn't be able to stand in support of. I think there are many factors associated with properties going into foreclosure or sale and some of which are no fault of the owners many times, dealing with notification issues, people with multiple properties. Instituting the word shall in the provision I think is something I absolutely would need more time to evaluate because I know myself in my own experience have had notifications or lack of notification on properties for parcels that have existed in mine and my own family.

So I would not feel comfortable instituting language that could potentially create more chaos and havoc out in the county and in the community for those individuals who maybe, through no fault of their own, didn't have the notifications necessary. So I think it needs – I understand that there needs to be equity and fairness across counties but I think there needs to be more discussion and work. Madam Chair, was this – were all these resolutions, this included, unanimous at the board level? Or was there more discussion on one or different resolutions as far as the Association of Counties or Mr. Chavez.

MR. CHAVEZ: Madam Chair, Commissioner, the Association of Counties as a board has these affiliate resolutions brought to them. They're discussed. I can't remember the exact number. There could have been 20 or 18 – different numbers each year, and then they have a vote. They're given like three votes each, and we put them up on the wall and then they go and they place those three votes. You can only put one vote on one issue. So you go up and put your three votes on whatever issue it is that you support and only those that come out with the highest number of votes become the priority issues. So there are still a lot of other issues. But this came out as one of the priorities.

COMMISSIONER ANAYA: So, Madam Chair, Mr. Chavez, so it wasn't necessarily unanimous, but it's my understanding, and I'm not expert on assessment or what state tax property bureau does is that's what it's called, but it's my understanding that they evaluate each of these potential properties that have not paid their taxes and that's the purpose of the audit, that the county has to verify to the state that in fact they did provide the notifications, and in fact the property is delinquent, and they made their best efforts to contact the property owner. And then it's the state's determination as to whether or not there's enough evidence, I guess, for lack of a better word, to pursue the sale. Is that generally what happens in that process? Because that's my understanding.

MR. CHAVEZ: Madam Chair and Commissioner, yes. It's all provided by statute in terms of notice and the various requirements. In terms of the audit, if you're saying audit in terms of following those procedures that would be an audit. I'm also thinking about the valuation. Of course the state does the centrally assessed properties, which mean railroads and airlines and just huge companies that are multi-county and so forth. And I know that the state sometimes now is not doing that either. They are very short-staffed. It's not fully their fault they're not doing some of those things. The local governments are trying to have to do that too. That's a separate issue from what you're talking about. But basically what you said is correct.

COMMISSIONER ANAYA: Thank you, Madam Chair.

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR STEFANICS: Yes, Commissioner Mayfield.

COMMISSIONER MAYFIELD: Thank you. Madam Chair, Mr. Chavez, as far as the Santa Fe County resolution and the state law that's currently on the books, Santa Fe County's resolution has delinquent properties that are two years delinquent on June 30th. The way I'm reading the law right now it says real property may be sold for delinquent taxes at any time after the expiration of three years. So you're proposing to change that?

MR. CHAVEZ: No. It's the same. It's just we want to make sure that they do it. Right now it says they may follow this procedure. So they may choose not to do anything with these properties and they're not doing it. The biggest change is just the one word on line 4. I'm sorry. The first line, starting may collect. We want: The department shall collect in the first line, just so they will follow all the procedures. They're not doing it now because they don't have to. It says may.

COMMISSIONER MAYFIELD: Okay. But they're still going to have that extra year to try to true up [inaudible]

MR. CHAVEZ: That's correct. That's correct. Nothing else changes.

COMMISSIONER MAYFIELD: So are Santa Fe County assessors – I shouldn't say Santa Fe County assessors. So are assessors going to stop sending the tax bill after two years because they're going to say, oh we sent it to Tax and Rev. Because those individuals still have that third year before they get their property sold.

MR. CHAVEZ: Madam Chair, Commissioner, I'm not sure that I know the exact process in there but I would imagine that they still send them a tax bill.

COMMISSIONER MAYFIELD: Okay. And then second, typically when sales like this happen, are they sold for auction or are they just sold for the delinquent taxes?

MR. CHAVEZ: Madam Chair, oh, no. I think if you reach that stage, just like foreclosures, you sell it for whatever the market value is, you just take the amount of the taxes and those people should get the rest of the money.

COMMISSIONER MAYFIELD: So that's what I was going to ask. So does the remainder of that money go back to the actual homeowner if they sold more?

MR. CHAVEZ: Madam Chair, Commissioner, I can't imagine that it would not; it should.

COMMISSIONER MAYFIELD: But if the homeowners can't be found, because that's probably part of the problem with the noticing, then it just becomes abandoned property for the state?

MR. CHAVEZ: Most likely, Madam Chair, Commissioner. It's kept for a year and they try to notify, and if not it becomes property of the state.

COMMISSIONER MAYFIELD: And then, Madam Chair, Mr. Chavez, as far as the tax collection on said property, does Tax and Rev then return that portion back to the local governments or are they keeping it?

MR. CHAVEZ: I think the state keeps the penalty and interest and I think the local government gets the taxes, as I recall.

COMMISSIONER MAYFIELD: Let me just, Madam Chair, Manager

Miller – I'll ask the Manager. Do we keep the tax?

MS. MILLER: There's actually a series of things that happen. There are fees that Tax and Rev gets penalty and interest. We get the first two years and then after that the state gets all of that, and then distributions after that to the entities that they're delinquent to. So everyone on the tax bill that has a tax assessment against them would get their share. I don't know whether it's proportionate. I can't remember when you get down to that, but Tax and Rev gets all their penalties and fees and interest first and it goes through a series. There's actually a priority of which gets paid first.

COMMISSIONER MAYFIELD: Thank you. Madam Chair, Mr. Chavez, probably not a question for you but just a statement I'm going to make. I guess I think two weeks ago I was dealing with an issue with our GIS mapping with an individual who says, look, you guys have my GIS 911 address at a different location from where my property tax bills go. So I guess – kind of with Commissioner Anaya's point I think local governments need to do a good job as far as I guess collaborating with their information internally because I already can see how our Assessor's bill is a little different than what we have in our GIS.

Also just from personal circumstance for me, one time when I went to our Treasurer's Office they had an old rural route number but my assessor had a new 911 address number. So even internally within Santa Fe County we're not sharing the same address data. Granted, I know that I have to pay property tax every year so I would think everybody that owns property knows they have to pay some sort of tax every year. But this information could be going to the wrong addresses and I just would hope that local governments would make sure that they have all that cleaned up before they start turning people in for property taxes.

MR. CHAVEZ: Madam Chair, Commissioner, I think it's a point well taken and I think some are very aware of it and if not we need to make them aware. That does occur.

COMMISSIONER MAYFIELD: Thank you.

CHAIR STEFANICS: Thank you. Let's go to public comment and then we'll come back to Commissioner comments. Is there anybody in the audience that would like to comment on this resolution? Thank you. Commissioners, comments, questions? Commissioner Vigil.

COMMISSIONER VIGIL: I just, having worked on this issue previously I want to make a statement of assurance with regard to how property tax owners are advised about this. The notifications do go out and I think for the most part most counties do send a certified letter of delivery so that response is to go back to the County. And I do not believe that they move forward until the appropriate party has been notified. There are some occasions, some property owners who are not locatable but I think that all counties, including State Tax and Rev, make every effort both through certified and regular mail to advise the property owner about the property. So it's been my experience that part of the problem that has occurred is that property owner is difficult to locate on occasion and without that location and the ability to give that notification I don't think that we move forth levelly on that. I think that's part of the audit that goes forward.

This really allows for everything that has received appropriate notification to be moved forward. I think those that haven't have to be treated a little more cautiously. So I'm totally in support of this because this really does provide the parameters for those property owners who do receive the appropriate notice.

With that, Madam Chair, I'll move to approve Resolution No. 2012-114.

CHAIR STEFANICS: There is a motion to approve.

COMMISSIONER HOLIAN: Second.

CHAIR STEFANICS: And there's a second. Further discussion?

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR STEFANICS: Yes, Commissioner Mayfield.

COMMISSIONER MAYFIELD: Real quick. If an individual has received these notifications and they come into a local assessor's office, can they try to make payment arrangements? They still can make payment arrangements, right? Before they get turned over to Tax and Rev?

MR. CHAVEZ: Madam Chair, Commissioner, I recall there is a statute regarding payments. I believe you can.

COMMISSIONER MAYFIELD: Okay. Thank you.

CHAIR STEFANICS: There is a motion to approve and a second.

The motion passed by majority [4-1] voice vote with Commissioner Anaya casting the nay vote.

XVI. A. 7. Resolution No. 2012-115, a Resolution Supporting the 2013 Legislative Priorities of the New Mexico Association of Counties

CHAIR STEFANICS: These are those six items we have just individually approved. Is there any further discussion?

COMMISSIONER ANAYA: Madam Chair.

CHAIR STEFANICS: Commissioner Anaya.

COMMISSIONER ANAYA: What's the relevance of this if we voted on each one individually?

CHAIR STEFANICS: I don't know.

COMMISSIONER ANAYA: I think we voted, reflected our vote on the record. I don't know.

CHAIR STEFANICS: Ms. Miller.

MS. MILLER: Madam Chair, it's actually the way the Association is. We put them on individually because we knew some of you may not want to vote for them in total, but that was one of the resolutions that the Association asked for. I don't know that it matters if they have them individually. Tito, maybe you could address that.

CHAIR STEFANICS: I think that - to pre-empt your answer, I think that one of the things the Association of Counties is probably going to do is say 33 counties or 20 counties approved all of our priorities unanimously. And others, they might have to separate them out.

MR. CHAVEZ: Madam Chair, I think that's probably correct. I imagine if a Commissioner could not live with one of those issues they probably ought to vote no. The resolution may still pass as a whole and they can say Santa Fe County supported it but that Commission of course will be on record as not having supported it unless you just leave them individually.

CHAIR STEFANICS: Right. So what's the pleasure of the Commission?

COMMISSIONER HOLIAN: Madam Chair, I move for approval of Resolution No. 2012-115.

COMMISSIONER VIGIL: Second.

CHAIR STEFANICS: There's a motion and a second. Is there further discussion? I'm assuming since there was no public comment on any of the other resolutions there isn't on this. Anybody opposing me on that one? Okay.

The motion passed by majority [4-1] voice vote with Commissioner Anaya casting the nay vote.

CHAIR STEFANICS: Thank you, Mr. Chavez, for coming up for this presentation.

MR. CHAVEZ: Thank you, Madam Chair and Commissioners. It was a pleasure to be here.

VIII. PRESENTATIONS

A. Presentation of the NAED (National Academies of Medical Dispatch) Accredited Center of Excellence in Emergency Medical Dispatch Award to Santa Fe RECC for 2012-2015

KEN MARTINEZ (RECC Director): Madam Chair and Commissioners. Thank you for allowing me to come and talk about this. Since I began with the RECC in 2006 and even before that, since the establishment of the joint RECC in 2002 it has been a goal of the dispatch center to reach the level of proficiency in our medical dispatch procedures to receive accreditation through the National and now International Academies of Medical Dispatch as a center of excellence.

The work that goes into reaching this goal is hard to put into words. For so long we've battled with compliance scores. The main push of this is to gain compliance scores with the protocols listed in the academy of points of excellence. So we have to reach compliance scores at 95 percent and above and maintain them for a period of at least six months, even to just begin to consider application.

Now we had reached this level about two years ago but with the passing of Dr. Laura Kaye who was our medical director at the time we had to put some of the steps on hold until we got a new medical director on board. We now have Dr. Alfredo Vigil who has helped us make that last transition into the position to be able to send our application in, have the academy send people out to assess the center, judge our points of excellence, and finally in July we received notification that we had reached this level, have maintained it for well over a year and a half, and I feel confident that we can continue this level of compliance going into the future and keep this accreditation as we continue forward.

I stand here representing the center but I have to say that the credit goes to our 911 operators and the hard work and the dedication and the persistence that they've shown in moving the center to this level. The administrative staff has helped and management and all have played a part including our medical directors, going back to Dr. Laura Kaye, to push this. And I also would be remiss if I didn't mention our board of directors who has supported this since 2002 and up to now.

So I represent the center but the credit goes to the operators and I think the community as a whole, including the City and the County should be very, very proud of its 911 center and its 911 operators because they work extremely hard at a job that rarely gets the recognition, rarely gets the understanding of what it is they do every day, day in and day out and they work very hard. This goes to them and I'm very proud as we all should be of them. So thank you for the opportunity.

CHAIR STEFANICS: Well, Mr. Martinez, we are really happy that you came forward today so that we could recognize the hard work of you and your staff and Dr. Alfredo Vigil and before that Dr. Kaye. One of the things I would ask that send to all of us is the standards that you've had to go through, because we've asked that of Mr. Sedillo for the Corrections Department as well, but we would like to know some of those standards that you had to go through. Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, Mr. Martinez, well said and well done. Please pass that on to the staff and Dr. Vigil and all others that had a role in the work. Good job.

MR. MARTINEZ: I will. Thank you.

COMMISSIONER HOLIAN: Madam Chair.

CHAIR STEFANICS: Yes, Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Madam Chair. Mr. Martinez, I just really want to commend you and your staff for this outstanding achievement, and you better believe I'm going to let my constituents know about this. Good job.

MR. MARTINEZ: Thank you.

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR STEFANICS: Yes, Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, Mr. Martinez, you and your staff do a fine job and it's just very much - I appreciate the work you guys do for this community and you guys are at it 24/7, seven days a week. So everybody knows that. Thank you.

CHAIR STEFANICS: Thank you. Commissioner Vigil.

COMMISSIONER VIGIL: I too want to join in with my colleagues congratulating you and your staff. The skills that are required for this particular job bring in lots of astuteness and sharp thinking and quick-minded type responses and they're critical to the kind of service they provide, so however you've been recruiting and hiring and keeping these folks, I salute you and hope and wish for continued success in this. Such a critical component of the service we provide to our community. Please thank everyone involved in it.

MR. MARTINEZ: I will. Thank you, Commissioner. As a part of the follow-up, Commissioners, you asked a question about the points of excellence. It goes into everything from training, to quality assurance, to continuing education, and the quality

assurance program that monitors each and every medical call we take to ensure that those protocols that are set forth are followed verbatim and to the point. If we vary at any point during the process we're marked off points. So maintaining that compliance level it takes a lot of work and preparation. And this says, and I can read from the packet material that the RECC for Santa Fe has become due to its accreditation the 168th center in the entire world to reach this level. So it's a big deal. Less than two percent of centers get it.

CHAIR STEFANICS: Thank you. And I think, Katherine, if this has not been – if we haven't done a press release on this we might want to do one and we might want to invite our reporters to come out to the RECC. Reporters have occasionally gone to the jail to visit but if they have not gone to the RECC in the past year we might want them to go.

MR. MARTINEZ: I can do that, Madam Chair. We have released the press releases out regarding this when we first got it. It was just a matter of getting it on to the agenda to bring in front of the Commission, but we did press releases as soon as we got it because it was a very big deal for us.

CHAIR STEFANICS: Well, thank you, and Commissioners, if you can think of any other way we can get this out publicly we should do that. Thank you for coming today. It looks great. Since you have a photo, could we get a staff person to do a photo since you have your award here. Do we have anybody that could do this?

[Photographs were taken.]

CHAIR STEFANICS: Thank you, Commissioners. I think we just need to make sure that our staff are really appreciated in their hard work in achieving this excellence.

IX. PROCLAMATIONS

A. A Proclamation Joining the President and All 50 Governors and More Than 1,000 Cities and Counties Across the Nation in Proclaiming and Supporting Family Day – A Day to Eat Dinner with Your Children

COMMISSIONER VIGIL: Thank you, Madam Chair. This year Family Day will be celebrated on Monday, September 24th. For me, supporting this resolution continues a tradition with the Santa Fe County Commission. Each year a Commissioner has supported this proclamation and I hope that that continues. And on a personal level, as I look back at my upbringing, some of the best times were around the dinner table with parents and family. The studies actually show that. The National Center on Addiction and Substance Abuse at Columbia University has launched Family Day and they did it in 2001 after their research consistently found out that children who eat dinner with their families are less likely to smoke, drink or use drugs and last year, and it's increasing, and I think this is something that we might be able to promote through our website too because the proclamation itself really shows our support but I think it needs to be promoted to the community. Last year I think the increase in observing this day with American families showed some significant numbers, so I'm hoping that this year it also increases. The proclamation itself, Madam Chair, reads:

Whereas, the use of illegal and prescription drugs and the abuse of alcohol and nicotine constitute the greatest threats to the well-being of American's children; and

Whereas, the 16 years of surveys conducted by the National Center on Addiction and

Substance Abuse at Columbia University have consistently found that the more often children and teenagers eat dinner with their families the less likely they are to smoke, drink and use illegal drugs; and

Whereas, frequent family dining is associated with lower rates of teen smoking, drinking, illegal drug use and prescription drug abuse; and

Whereas, the correlation between frequent family dinners and reduced risk for teen substance abuse is well documented; and

Whereas, parents who are engaged in their children's lives – through such activities as frequent family dinners, are less likely to have children who abuse substances; and

Whereas, family dinners have long constituted a substantial pillar of family life in American;

Now, therefore, the Board of Santa Fe County Commissioners do hereby proclaim Monday, September 24th, 2012 as Family Day, a day to eat dinner with your children.

I move for approval.

COMMISSIONER HOLIAN: Second.

CHAIR STEFANICS: There's a motion and a second. Any discussion?

COMMISSIONER HOLIAN: Madam Chair.

CHAIR STEFANICS: Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Madam Chair. I just look back at my childhood and this was a wonderful remembrance for me because when I was growing up my family always ate dinner together. And not only would we eat dinner together but we'd usually sit around for about an hour afterwards just talking. Now, I don't know if it's because my brother and I were putting off doing the dishes, but in any event we really did. Now, at this point in my life I really look back fondly on those times with my parents because it really showed me how much my parents cared about us. So it was an incredibly important part of my life growing up. Thank you.

CHAIR STEFANICS: Thank you very much. Yes, Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, ditto to Commissioner Vigil's resolution and proclamation as well as Commissioner Holian's comments. It was very much an integral part of my life as well. I still get teased that even though we all ate at the same time it seems that I got to the food more than my brothers and sisters did. But a very important factor and visiting and growing as a family. So ditto and appreciate the proclamation. Thanks.

CHAIR STEFANICS: Thank you very much.

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

IX. B. A Proclamation in Recognition of Fiesta Council President Debra A. Norris-Sparks and the Official Commencement of the 300th Fiesta de Santa Fe

COMMISSIONER VIGIL: Thank you, Madam Chair. This is belated and after the fact, but nonetheless, the need to recognize the volunteerism that exists to make the Santa Fe Fiesta actually happen, and all of the events that are affiliated with it needs to be recognized. And unfortunately, the president who was going to be recognized is ill and

somebody who was here to receive the proclamation couldn't stay very long, so I'd like to read the proclamation and acknowledge that the County is a staunch supporter of the Santa Fe Fiesta and wants to continue to be so and recognizes how significant it is to our community as a whole. And with that, Madam Chair, the proclamation reads:

Whereas, Santa Feans have long been proud of their city's heritage developed through the merging of cultures; and

Whereas, the evolution and settlement of Santa Fe has produced a tradition of colorful music, vibrant dance and song, together with a spirit of friendliness, hospitality and acceptance; and

Whereas, this tradition encompasses what the "Fiesta de Santa Fe" represents and seeks to preserve and perpetuate annually; and

Whereas, Fiesta de Santa Fe is the continued fulfillment of a promise made by General Don Diego de Vargas Zapata y Luján Ponce de León y Contreras, Marquis of La Nava de Brazinas to the Blessed Virgin Mary for the peaceful reoccupation of the City of Holy Faith in 1692; and

Whereas, the Annual Fiesta de Santa Fe is preserved inviolate for the citizens of Santa Fe County in the spirit and letter as outlined in the original Fiesta Proclamation drafted by city officials, signed by Governor Marquez de La Peñuela and issued on the sixteenth day of September of seventeen-hundred and twelve; and

Whereas, Fiesta de Santa Fe is the oldest community celebration in the United States of America, observing two-hundred ninety-nine years of continuous observation; and

Whereas, Fiesta de Santa Fe is a time for reconciliation, prayer, tribute, homecoming and making new friends all while preserving tradition; and

Whereas, today Don Diego de Vargas is portrayed by Lee Anthony Garcia y Dominguez and the royal court of the Fiestas is represented by La Reina Jenae Cisneros y Roybal along with their Cuadrilla y las Princesas Reales; and

Whereas, we truly appreciate the dedication and countless volunteer hours of the Santa Fe Fiesta Council, under the direction of the current President Debra A. Norris Sparks and each member past and present for preserving this historic event. We the Board of County Commissioners hereby proclaims the official commencement of the Fiesta 300 on the date of September 7th and desires to pursue the rededication of this event and support it.

With that, Madam Chair, I move we adopt this proclamation.

CHAIR STEFANICS: I will second. Questions, comments from the Commission?

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

X. APPROVAL OF CONSENT CALENDAR

CHAIR STEFANICS: Was there anybody here to speak in terms of Resolution 2012-16? Seeing no public comment we are now on that item of approval of the Consent Calendar.

COMMISSIONER VIGIL: Madam Chair.

CHAIR STEFANICS: Yes.

COMMISSIONER VIGIL: I move we approve Resolution No. 2012-116.

COMMISSIONER HOLIAN: Second.

CHAIR STEFANICS: Thank you. Is there any discussion?

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

XI. CONSENT CALENDAR

A. Resolutions

1. **Resolutions No. 2012-116, a Resolution Requesting a Budget Decrease in the Economic Development Fund (224) to Realign the Budget to the Actual Carryover in the ARRA -Funded Energy Efficiency Grant -\$23,555 (Finance Department/Teresa Martinez/Growth Management/Penny Ellis-Green)**

XII. STAFF AND ELECTED OFFICIALS' ITEMS

A. Administrative Services Department

1. **Request Approval of Agreement No. 2012-0268-FD/MS with Weil Construction Inc. for the Construction of the Southern Region Headquarters - Edgewood Fire Station in the Amount of \$2,891,450.00, Exclusive of GRT**

BILL TAYLOR (Purchasing Director): Thank you, Madam Chair, members of the Commission. The Purchasing Division issued an invitation to bid in August and we received eight bids for the Edgewood fire station in Edgewood, New Mexico. The low bid and responsive bit was from Weil Construction, Incorporated in the amount of \$2,891,450 for the base bid and four additives that were bid alternates. And so our request here before you is authorization and approval from the Commission. With that, Madam Chair, I'll stand for questions.

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

COMMISSIONER ANAYA: Madam Chair, this fire station has been in the process long before I was sitting on this Commission bench. Former Commissioner Anaya worked on this project with many individuals, the community, the Town of Edgewood, the volunteer fire department. It's been in the planning process, it's been in the works. I think it's going to be a greatly needed, updated station in the region. I commend everyone for their work and their efforts and like I said, former Commissioner Mike Anaya and his efforts.

I would ask that we coordinate some type of groundbreaking event for the facility, to get all the appropriate parties there, given that it is a regional fire station and it serves many communities in and around Santa Fe County. The one question that I do have, Mr. Taylor, you and I have had a couple of discussions and I think I brought it up at the last meeting regarding additional sustainability measures for the reuse of some of the wastewater. That's still something I think I want to keep on the radar and evaluate what we might do as this project is being built to see if we can even garner some more efficiencies and sustainability. Do you have any additional info that you can add at this time? I don't want to hold this piece of it up but I still want us to entertain potentially some additional improvements to increase sustainability.

MR. TAYLOR: Madam Chair and Commissioner Anaya, we have been in conversation with our architect of record and engineer, architect/engineer of record and our engineer and other interested parties looking at opportunities for the sustainability issues so those communications are open and we're looking into that. We do have, as was mentioned before, the rain catchments which will be adequate for the watering of the landscape there and we're going to continue to look at any other opportunities on the project.

COMMISSIONER ANAYA: Thank you, Mr. Taylor. Madam Chair, Mr. Taylor, one other question on water. What is their water source for the fire station?

MR. TAYLOR: The water source will be I believe the Town of Edgewood, the water.

COMMISSIONER ANAYA: Madam Chair, Chief, the reason I ask is Thunder Mountain is in bankruptcy issues and I think there's issues between the Edgewood site associated with water, so do we have any - were we going to rely on Thunder Mountain and what secondary alternatives do we have if that becomes a potential problem for the facility?

CHAIR STEFANICS: Chief Sperling, do you have an answer to that?

CHIEF SPERLING: Madam Chair, Commissioner, right now we're working with Thunder Mountain to provide water and they have run a line alongside the property and are prepared to provide us with adequate water for the facility. I was not aware that they were in any kind of bankrupt -

COMMISSIONER ANAYA: Madam Chair, Chief, there were some issues. We have an adjoining school property there. We may want to speak with Thunder Mountain and the City of Edgewood and also maybe even engage the schools to make sure that we have adequate water and water supply. Thank you. Thank you, Madam Chair. I'd move for approval.

COMMISSIONER MAYFIELD: Second, Madam Chair.

CHAIR STEFANICS: There's a motion and a second. I still have a couple questions. Mr. Guerrerortiz, do you have any other information on what the backup water supply would be. I'm always going to mess up your last name. I'm sorry. I try to roll my r's.

PATRICIO GUERRERORTIZ (Utilities Director): Madam Chair, you did a very good job with pronouncing my name. This is the first I hear about the issues with one of the three companies that provide services, the private companies that provide services in Edgewood. I don't have anything at this point that I can present but I will look into the

issue.

CHAIR STEFANICS: Okay, so Ms. Miller, let's say we build this and we have no water.

MS. MILLER: Madam Chair, Commissioners, I would venture to say even if they go into bankruptcy something will happen. They're not going to shut off everybody's water in that area if it's a financial issue. I doubt they would shut down anybody that they're supplying. It would some type of receivership and those type of issues. I can't speak to that specific one; I don't know the circumstances of it and this is also news to me but in most cases when utilities go bankrupt or have financial issues they don't just shut off all the water and sewer system; they continue to provide service through some other mechanism of an entity stepping in and running them. But I can't speak to this one specifically.

CHAIR STEFANICS: Would it be assumed that a bank would end up becoming the owner?

MS. MILLER: Madam Chair, it depends on the entity. We have some issues throughout the county like that right now and different entities, homeowner associations, end up running different entities.

CHAIR STEFANICS: Okay. The second question I had is where is this property located? Just refresh my memory. We talked about it a long time ago.

CHIEF SPERLING: Madam Chair, Commissioners, it's off 344 by Dinkle Road, basically.

CHAIR STEFANICS: Okay. Great. Thank you very much. Other questions, comments? Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Madam Chair. So which are the regional entities that are going to be using this fire station? Commissioner Anaya alluded to other entities as well as the County.

CHIEF SPERLING: Madam Chair, Commissioner, this will be our southern regional headquarters. This will entail the Edgewood volunteer fire district as well as our regional staff. And we do in the southern region work closely with a number of other counties and county public safety response agencies. So this will serve the southern region - Bernalillo County, Torrance County, the area around Moriarty, quite well, but it will be a Santa Fe County facility.

COMMISSIONER HOLIAN: Thank you, Chief.

CHAIR STEFANICS: Thank you. If there's no other questions or comments there is a motion to approve and a second.

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

- XII. A. 2. Request Approval for a Waiver From Section 1 of Ordinance No. 2012-5 to Purchase Volume Licensing of Microsoft Software Through Shi International on a WSCA State Price Agreement No. 20-000-00-0003B for Three Years in the Amount of \$366,054.75, Exclusive of GRT**

MR. TAYLOR: Thank you, Madam Chair, members of the Commission. This is a Microsoft volume licensing agreement that we want to access the savings through the WSCA, the Western States Contracting Association for software upgrades and licensing. Microsoft is requiring a three-year agreement to continue those savings for the County and so therefore because of the amounts it's \$122,018.25 per year. We have attached the price sheet and prices for some of these items. Sam Paige, IT manager is also here to answer any questions.

CHAIR STEFANICS: Thank you. Questions, comments from Commissioners?

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR STEFANICS: Commissioner Mayfield.

COMMISSIONER MAYFIELD: I was going to ask this question, but have we ever thought about going to a Mac operating system. Upgrades are always free.

MR. TAYLOR: I will defer to Mr. Paige.

SAM PAIGE (IT Manager): Madam Chair, Commissioners, no I don't think we'd be able to do it. Microsoft is the standard and really, if we wanted to interact with other entities this is really what we really need to do and applications are usually written most of them for Microsoft products.

COMMISSIONER MAYFIELD: Thank you.

CHAIR STEFANICS: Mr. Paige, I have no problem with this agreement but to follow up on Commissioner Mayfield's question, if we in fact start going to any iPhones or iPads for staff, won't we need to split services?

MR. PAIGE: Madam Chair, if we go like with iPads and iPhones it would be for specific applications that we would use for those. One of the biggest problems we would have is having our support staff be knowledgeable enough to maintain different technologies but we feel confident that on some of these phases we can support multiple technologies. We do so already with our AS-400 for a lot of our products as well as Microsoft.

CHAIR STEFANICS: Well, I'm not yet ready, Mr. Paige, to push for everybody to go to iPad but I do think our youth are passing us up and we need to start thinking about how we integrate some of these services in the county.

MR. PAIGE: Madam Chair, I totally agree with that and I think we need to keep abreast of new technologies within the County and be able to keep with whatever comes out now. This is one of the reasons we want to look into the tablet technology and start keeping up with it. It is an emergent technology that is going to be ready for business within the next few years.

CHAIR STEFANICS: Well, one of the things I can let you know is I heard - I haven't seen it yet - but I heard that the Microsoft tablet was coming out this fall, but having one of the few iPads in the County as an experiment I can tell you how fast it is and how it keeps me tied to my County email every day so there is no reason I wouldn't know what's going on here at the County. It's just something that I think we should be thinking about. Thank you very much. Do we have a motion on this yet? Okay I'll move approval.

COMMISSIONER VIGIL: I'll second it.

CHAIR STEFANICS: Okay, any further discussion?

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

XII. B. Growth Management Department

1. Abandonment of Unused and Unusable Easement Abutting La Bajada Ranch. The Property is Located at 36 Raven Ravine, within Section 6, Township 15 North, Range 8 East, Commission District 3

VICENTE ARCHULETA (Land Use Department): Thank you, Madam Chair. A 40-foot wide road and utility easement from County Road 50, Paseo C de Baca providing access to tract B, C, D and Tract E was created and shown on the plat of survey for John Dixon, Thomas L. Dixon and Margaret Lesniak prepared by Cipriano Martinez recorded in Book 77, page 16 in the office of the County Clerk.

The surveyor mistakenly failed to end the easement at Tract E and platted the easement along the west boundary through to the end of Tract E to La Bajada Ranch, formerly the Thompson property.

On November 10, 1987 the owners of Tracts B, C, D and E recorded an abandonment and replacement of easement document recorded in Book 596, page 471 and 472 with the Santa Fe County Clerk's Office. Unfortunately they did not include the owner of the abutting property at the end of Tract E. Technically, because the previous owner of the abutting property did not sign the document, the current owner, Santa Fe County, still has an easement. La Bajada Ranch also has direct access from County Road 50, approximately 600 feet to the east, therefore the easement is not required.

On January 15, 1986 a plat of survey for a lot line adjustment for Henrique Gurule and Christina S. Boradiansky signed by the County Land Use Administrator at the time was recorded in Book 160, page 45. The survey plat did not show the easement. Based on a site inspection this easement is not feasible for access based on an accessory structure that was put in in 2003 and floats along the west boundary of Tract E that exceeds 30 percent.

Recommendation: Based on a site visits and owners of the property staff has determined the easement is legal but not practical. County property is adjacent to County Road 50 approximately 600 feet to the east so the County does not need this easement. Therefore staff recommends the abandonment of the easement through Tract E. I stand for questions.

CHAIR STEFANICS: Thank you. So, Commissioners, this is an action item. Are there questions, discussion?

COMMISSIONER ANAYA: Madam Chair.

CHAIR STEFANICS: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I know we just approved a committee that I'm going to be sitting on to talk about La Bajada and what happens with the facility and make recommendations. But who brought this forward? Why now and why

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do we need to abandon it right now?

MR. ARCHULETA: Madam Chair, Commissioner Anaya, the applicant – well, the owner of the property is selling the property at this point and when they did a title search they found that there was an easement through that property.

COMMISSIONER ANAYA: So, Madam Chair, Mr. Archuleta, the County agreed – has the easement, then we had an alternate easement recorded in a different plat and the intent was to abandon this easement for the new one we got? Is that correct?

MR. ARCHULETA: Madam Chair, Commissioner Anaya, the property in question is along here. La Bajada Ranch, in green – this is the boundary of the La Bajada Ranch. 600 feet to the east La Bajada Ranch has a road, basically, that goes to County Road 50, which is Paseo C de Baca. They also have access off of Entrada La Cienega, which is over here, and then they have the main access which is over the overpass. So at the time Cipriano Martinez had created these lots he put the easement along the west boundary of the property. In Exhibit 2 I believe there's a new document that shows the actual layout of the road and it's not feasible to put it on the west side of the boundary. The road meandered in and out through the properties. And now, Tract E, which is the last one, has the residence or the office structure in the easement and directly – the office was put on the edge of the slope and from the office directly – you walk out of the office and you're going down a 30 percent slope, and then it goes back to a little valley and then it goes back up a 30 percent slope. So it doesn't make any sense for it to be an active easement.

COMMISSIONER ANAYA: Madam Chair, Mr. Archuleta, is the leg that comes off by us a road?

MR. ARCHULETA: No. Madam Chair, Commissioner Anaya, no, it's not a road. It has access for a road.

COMMISSIONER ANAYA: So, Madam Chair, Mr. Archuleta is that leg adequate to do access if we need to do one there?

MR. ARCHULETA: Madam Chair, Commissioner, the property is approximately 500 feet wide so there would be plenty of access for –

COMMISSIONER ANAYA: Thank you, Mr. Archuleta.

COMMISSIONER HOLIAN: Commissioner Mayfield.

COMMISSIONER ANAYA: Thank you, Madam Chair. Madam Chair, Mr. Archuleta, so how did the individuals on Tract E get a permit from the County to build an office on an easement?

MR. ARCHULETA: When the – Madam Chair, Commissioner Mayfield, on the plat of survey which I believe is Exhibit 3, they did a lot line adjustment with Henrique Gurule and at that time it was recorded through the County, the Administrator signed off and when they came in for the building permit they brought that in and it showed a legal lot of record so we were obligated to issue a building permit.

COMMISSIONER MAYFIELD: So that survey didn't show there was an existing easement going through their property?

MR. ARCHULETA: Madam Chair, Commissioner Mayfield, that's correct. That it did not show an easement.

COMMISSIONER MAYFIELD: Okay. Madam Chair, Mr. Archuleta, maybe you know this, Mr. Archuleta; maybe it will be a question for the Manager or Mr.

Ross, but I just heard that, number one, we did a survey when this property was initially purchased for the County, and then number two, I heard that they'd just done a new survey subsequent to that to try to adjust the fence line around that property. So was this easement picked up on either of those surveys?

MR. ARCHULETA: Madam Chair and Commissioner Mayfield, I do not believe so. It's not on this - this is the one that created the 140-acre parcel and as you can see in green here this is what the County owns. This is still owned by Santa Fe Canyon Ranch, LLC. But there is no - they didn't do any additional surveys on these other properties so it doesn't show the easement.

COMMISSIONER MAYFIELD: And Madam Chair, I don't know if we still have our County Surveyor here, but just help me understand why a survey wouldn't pick up if there was an easement or not an easement? Isn't that the purpose of getting a survey?

MR. ARCHULETA: Madam Chair, Commissioner Mayfield, I believe so.

COMMISSIONER MAYFIELD: Okay. We do have our County Surveyor here. And just for the record, our County Surveyor did not survey this property.

JEFF LUDWIG (County Surveyor): Madam Chair, Commissioner Mayfield, that is correct. They should have shown that easement on that survey plat.

COMMISSIONER MAYFIELD: So Madam Chair and Mr. Ludwig or Steve, Santa Fe County missed - not Santa Fe County but whoever we contracted with, because this property has - the Canyon Ranch property has been surveyed twice. They've missed this easement. Do we know if by chance they've missed any other easements on the property that we now own?

MR. ROSS: Madam Chair, Commissioner Mayfield, I believe the reason that the County survey did not show the easement is because it was recorded as an abandonment of that same easement and the only possible use of the easement at this point, given the abandonment is to go from the County property to the very next property, the applicant's property, and nowhere else.

COMMISSIONER MAYFIELD: Madam Chair, Mr. Ross, doesn't an abandonment of an easement have to come to this Board for approval? Or no?

MR. ROSS: It would be the predecessor in interest, in this case the Thompsons.

COMMISSIONER MAYFIELD: You're talking a language I don't understand. So this County doesn't have to prove abandonment of an easement?

MR. ROSS: We're being asked to prove it now but all of this occurred under a prior owner.

COMMISSIONER MAYFIELD: Okay. So then before the County owned it, the prior owner who owned it, they can approve the abandonment of an easement? They don't have to come to the County for an abandonment of an easement under our current code?

MR. ROSS: Well, right now that we're being asked by the applicant to abandon what's remaining of this easement after the prior abandonment by the prior owners in 1980. And this is because the title company picked this up on a detailed title search as a little bit of unfinished business from the prior abandonment.

COMMISSIONER MAYFIELD: Okay. Great. Then let me ask this question

then I'm going to go back to this other question. So Santa Fe County received a title policy also when they purchased this property.

MR. ROSS: Yes.

COMMISSIONER MAYFIELD: Did our title policy pick up this easement and if not, why didn't it?

MR. ROSS: It did not. It did not. My explanation a minute ago I think is the only reasonable explanation is that the surveyor that surveyed the property in connection with the County purchase made an assumption that this abandonment recorded in 1980 abandoned all that there was to abandon.

COMMISSIONER MAYFIELD: So who was the title company who surveyed the property for Santa Fe County's acquisition and do we have the right to go after them for any type of compensation because they missed this?

MR. ROSS: Madam Chair, Commissioner Mayfield, we have no cause of action at all. The County has not been harmed whatsoever with this.

COMMISSIONER MAYFIELD: Well, we paid for a service that we didn't receive. That I think is a cause of action. We paid for two surveys that didn't pick it up. We paid for a past title policy that didn't pick up an easement so I do think we were paying for something that we didn't receive, and I guess what I wanted to anticipate is that there could potentially be other easements to this property that we're not aware of that haven't been picked up.

MR. ROSS: Madam Chair, Commissioner Mayfield, obviously I don't know the answer to that because if nothing was picked up we don't know what it is. But we do have insured access to this parcel through the points that Vicente was pointing out as well as the front two entrances. All those accesses are insured by our title company and we have access from two different points to this property insured.

COMMISSIONER MAYFIELD: I appreciate that. Madam Chair, I guess my only thoughts is that the County just last - two weeks ago to look at and evaluate this property. I think potentially equestrian use might be a means to use this property. If I'm understanding how this map is that's going to be directly on the back north side where this easement is asked to be abandoned, kind of by the Gallegos Ranch. Where's the Gallegos Ranch out there?

MR. ARCHULETA: Madam Chair, Commissioner Mayfield, I'm not sure where the Gallegos Ranch is.

COMMISSIONER MAYFIELD: Okay. I think it's going to be where the written notes are up in that area. I think a potential use for this property may be equestrian use. I think Santa Fe County shouldn't be vacating easements at this time to property that we don't know what we have intended use for. I'll just stop my question at that. Thank you, Madam Chair.

COMMISSIONER HOLIAN: Thank you, Commissioner Mayfield. Commissioner Vigil? I have a question. So actually, right now, it's an easement to nowhere, right? Except for the neighboring property?

MR. ARCHULETA: Madam Chair, that's correct.

COMMISSIONER HOLIAN: So it's just a tiny easement on La Bajada Ranch and then is there a little bit of an easement on Lot E that's left?

MR. ARCHULETA: No, it would be Tract F and well - on here it's Tract

F. You're correct. The easement, it just needs to go to Tract E.

COMMISSIONER MAYFIELD: So it's just a tiny little easement between the two properties. Is that correct?

MR. ARCHULETA: Yes.

COMMISSIONER MAYFIELD: Madam Chair, on your point.

COMMISSIONER HOLIAN: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, on the chair's point though, it's an easement on our property onto Canyon Ranch is it not? So Madam Chair, it is an easement into our property.

COMMISSIONER HOLIAN: But it's only an easement from the neighboring property and there's no way that anybody could get to that part of the easement because the rest of the easements were vacated, correct? In the Tract A through D?

MR. ROSS: Madam Chair, the surveyor and I have talked about this several time. This is only a theoretical easement. It's not a real easement, and it was picked up as a technical issue on the title survey but we would have a very difficult time establishing any right to actually use this property, given the state of the record at this point.

COMMISSIONER HOLIAN: Thank you, Steve.

COMMISSIONER MAYFIELD: Madam Chair, I still have more questions.

COMMISSIONER HOLIAN: Commissioner Mayfield.

COMMISSIONER MAYFIELD: And Madam Chair, just on Steve Ross' point. Now I see Exhibit 2, which is the abandonment of the easement that was done, but there's Exhibit 1. That's a recorded easement within Santa Fe County. And that goes through Tract B, C, D, E to Canyon Ranch property. So here's a paper that tells me it's a recorded easement through all these parcels of land. Is this not an active paper that's filed downstairs?

MR. LUDWIG: Madam Chair, Commissioner Mayfield, yes, that is. The original plat that subdivided that piece of property into those four tracts that was recorded did create that easement.

COMMISSIONER MAYFIELD: And Madam Chair, Mr. Ludwig or surveyor, that comes off of a County Road, that easement. So we have clear egress to that easement that comes off of a County Road.

MR. LUDWIG: That is correct.

COMMISSIONER MAYFIELD: Okay. Thank you.

CHAIR STEFANICS: Are there other questions, comments? Yes, Commissioner Vigil.

COMMISSIONER VIGIL: Thank you for bringing this forward, staff. Having been in a situation where surveys have adversely and positively impacted property within my own family and my father's trust I recognize that based on some of those surveys there's pockets of property that needs to be resolved that puts me and our trust into a situation. It's difficult. So it's not just we can clarify the boundaries, the easement issues, any other outstanding issues that may come forward I think we are at a better place to plan even better for this property. So with that, Madam Chair, I move we approve the abandonment of an unusable easement abutting La Bajada Ranch.

COMMISSIONER HOLIAN: I'll second that.

CHAIR STEFANICS: There's a motion and a second. Is there further discussion and questions?

COMMISSIONER MAYFIELD: Madam Chair, I just would hope that we would go and re-evaluate the surveys that have been done on this property prior to Santa Fe County purchasing it. Also we would look at the last title company who reviewed this when Santa Fe County acquired Canyon Ranch and see why these were missed in a title survey or in an actual physical survey of the property and just to assure that there has been nothing else missed on the survey of Santa Fe Canyon Ranch/La Bajada Ranch. Thank you.

CHAIR STEFANICS: Thank you. If there's no further comments or questions we have a motion and a second.

The motion passed by unanimous [4-1] voice vote. [Commissioner Mayfield voted against the motion.]

XII. C. Public Works Department

1. Review and Discussion of the County's 2014-2018 Infrastructure Capital Improvement Plan

ADAM LEIGLAND (Public Works Director): Madam Chair, Commissioners, Joseph is handing out a couple things to you. One is a potential or a draft list of ICIP projects. *[Exhibit 1]* We're just bringing this to you for notification and discussion. What we'd like is a top five list of projects or a project from each of your districts. We'll come back to you in two weeks for actual approval of that list for submission to the state at the beginning of October.

So the first thing we handed out is a list of candidate projects. We'd just like you to take a look at that and see if those are good projects and also if maybe there's something that's missing from this list. We're prepared to meet with you in the meantime to get your top priorities.

The next thing I handed out to you, and this is not necessarily the ICIP; this is our bond. This is one of our outreach materials. This is the brochure. *[Exhibit 2]* If you recall every year, probably forever but at least in my office I have from 1990 we have prepared a little brochure that describes upcoming bonds. So this is the brochure we put together this time. Craig O'Hare did this. I think he did a nice job. What I'd also like to do is just outline how the outreach process went for both the ICIP process that created this list I presented to you and talk about some of the efforts we're doing to advertise for the bond election coming up in November.

CHAIR STEFANICS: Mr. Leigland, I'd like to make a comment first. In terms of the ICIP and prioritizing them, and this is my comment only, without having gotten any reports back from the community meetings and what might have been brought up, I would have a hard time prioritizing until I saw if there was anything out there on the radar that I don't know about.

MR. LEIGLAND: Madam Chair, well, if I may I'll discuss how the public meetings went, and we actually received no projects from any of the public meetings. So people are very receptive to what we presented except for the meeting that was held in

your district. The attendance was average four to six people per visit, but we didn't get any specific projects. There were questions about projects but there were no specific projects that people wanted to see brought forward. So I think this that you're presented –

CHAIR STEFANICS: Wait. I need to hear you say this again. You're saying out of all the meetings there were no projects that came forward from the citizens.

MR. LEIGLAND: That is correct.

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR STEFANICS: Yes, Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, and I could be wrong on this and I serve as a County Commissioner but I also was serving as a citizen in the ICIP meeting that went at the Pojoaque satellite office and I for one as a citizen brought a couple projects forward that I would like to have considered. I guess I also brought it as a Commissioner, but I was also there in my citizen capacity when I brought up a couple projects.

CHAIR STEFANICS: I sat next to some of Commissioner Anaya's constituents at one meeting who had forms that they were filling out, so this is why I'm a little confounded here.

MR. LEIGLAND: Madam Chair, Commissioners, many of the projects that were brought forward we've already addressed them through other means, through the bonds, through the GRT. So I should have clarified that there were no new projects. For instance, Commissioner Mayfield as a citizen brought forward projects that we already are working on addressing in other needs. They're valid concerns but they're not candidates for submission on these ICIP lists. So let me just remind the Commission that the ICIP list is just candidate projects for the state and the capital outlay programs. So we have other mechanisms to meet a lot of the valid requirements out there but they weren't necessarily good candidates for the ICIP submission because the dollar amounts – we felt like the projects for the ICIP needed to be within a certain dollar amount range, for instance just based on past history it needs to be projects that the state delegation would be interested in.

But again, I want to stress that a lot of the project requests we received we are addressing them in other means. For instance we have a great bond list and the GRT list is addressing a lot of the concerns we've heard.

CHAIR STEFANICS: Okay. Questions, comments from Commissioners? Yes, Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, Mr. Leigland, and thank you for that clarification. But as far as – I don't know if it's your spreadsheet but this little spreadsheet you have. District 1, Santa Cruz Lake Road. Help me out with that. Now, is this the road that actually goes down to Santa Cruz Lake?

MR. LEIGLAND: Madam Chair, Commissioner Mayfield, yes.

COMMISSIONER MAYFIELD: And I've been down that road and I know it's in severe need of some repair, at least some chip seal. But I guess I want to be careful how I phrase this. That road serves a function for I guess the state of New Mexico and outside of the state. There's no private residents that live down that road, so why is that a Santa Fe County road and maybe not under the Corps or BLM?

MR. LEIGLAND: Madam Chair, Commissioner, well to answer your second question, that's a great question and I would ask that too. Why is it a County road.

But in the meantime it is a County road and we felt that based on the nature you just described it actually serves more of a general state interest and that's why it would be a good candidate for the ICIP, as opposed to spending our money on that County road. Again, we tried to look for projects that would appeal to a state delegation like you just mentioned for state funding as opposed to spending County funds on it. But I totally agree with you. Maybe it's a road that doesn't make sense.

COMMISSIONER MAYFIELD: Sure. And Madam Chair, Mr. Leigland, but also though, we use our own capital when we go to our local legislative body to say, hey, let's look at taking this road into consideration for state appeal, whether it could be other roads within Santa Fe County that we would still be asking for this ICIP. I guess that's just kind of a little quandary that I'm in. The road needs repair. I just wonder why it's Santa Fe County that has to repair the road.

MR. LEIGLAND: Madam Chair, Commissioner Mayfield, simply because it's a County road right now.

COMMISSIONER MAYFIELD: Thank you.

CHAIR STEFANICS: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, Mr. Leigland, I actually having spent the better part of my career traveling the state of New Mexico and getting input on capital projects I understand the realities of not having a whole lot of attendance. But I think to maybe reaffirm some of the statements of my colleagues, I think the work that we've already done with the communities and the ongoing dialogue with our other project is how at least I envision building our list in addition to the feedback we receive at the outreach meetings. I too would want to correlate our existing projects with the ICIP projects in this upcoming legislative cycle, which is the primary tool that the legislators use to help determine funding, would want to expand on the list in District 3 and I'm sure my colleagues would do the same, then assess where the priorities head.

The one thing I would say is that I think based on what we've done with our GO bond, our gross receipts if it passes, and then potentially our fire quarter percent, that that's going to open up other opportunities with the legislative resources that maybe we were trying to get more county projects with.

So I actually see this as a starting point. I appreciate the feedback and expand a little more on it as time goes on. I think it is a starting point and I do think we need to go back and get additional feedback and determine whether we want to expand current projects that we have in our respective districts or whether or not we want to start new projects. And I think that's something that each Commissioner will have to grapple with individually I think in coordination with staff. So I see it as a starting point. Thank you, Madam Chair.

CHAIR STEFANICS: Thank you. Other Commissioners, before I ask my questions? Okay. So Mr. Leigland, a more philosophical question first. Could the County undertake a study or a survey or a self-reporting of communities that feel like they either have contaminated water or an excess of dry wells or no sustainable water source? Could we do something like that?

MR. LEIGLAND: Madam Chair, yes, I think it's possible and actually I think we could also avail ourselves of other issues. For instance the State Environmental Department and the State Engineer are tracking similar things. They actually have a study

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ongoing right now that actually came out of the economic development side that's looking at some of the issues too, so I think we have abilities to look at current sources and then if we do see gaps we could do the same thing that you're suggesting, taking surveys to see what the water situation looks like. We have some pretty good data and I think if you recall, Madam Chair, we presented about four months ago just where the well is and that actually came out of that economic development survey. So we have a pretty good idea of where the water sources are. The next step would be as you suggest, looking at the water quality or the water quantity issues associated with that.

CHAIR STEFANICS: Well, I understand that last week, even there were only three people that showed up at the Highway 14 capital improvements meeting, one or two of each of our constituents, Commissioner Anaya and mine, that one of the small communities asked for a water hookup. Silverado. But what I'm saying is it's not on here. So if you're - you can't say that all these requests are on here because I have heard requests from people.

The second question is, projects like the senior center on Highway 14, we don't have all the funding lined up for the entire senior center down there, do we?

MR. LEIGLAND: Madam Chair, to answer your second question first, yes. The project list has been funded on the GRT list is the whole facility.

CHAIR STEFANICS: Buying the land, planning and building?

MR. LEIGLAND: Yes, ma'am.

CHAIR STEFANICS: So are all the other senior centers and communities centers that have been brought up included somewhere?

MR. LEIGLAND: Madam Chair, the other senior center, the other community center is the expansion of the Ken and Patti Adam is already approved on the list.

CHAIR STEFANICS: La Cienega? Agua Fria?

MR. LEIGLAND: Yes. La Cienega is on this list right here. And then the - one thing I want to mention is the waterline project. Again, we try to keep the projects in sort of a strategic - and maybe we're mistaking this - we wanted to keep the dollar amounts low, so running a surface waterline all the way to towards Cerrillos, for example, would be multi-millions of dollars so the list that we presented here are projects we felt would be viewed much more favorably by the state.

CHAIR STEFANICS: Well, the community, I understand was Silverado that asked for water. It's just right behind the fire station. We already have the waterline down to the school and to the fire station. So it's just about going east with the waterline. It's not going all the way down to Cerrillos. But if you start thinking about Highway 14, you're absolutely right. The number of wells that have gone dry, the amount of contaminated water, etc. So my question is more philosophical in nature, because to say that we don't have needs in the county, I think we need to take a step back.

MR. LEIGLAND: Madam Chair, maybe I misspoke. I am by no means saying we have no needs. In fact I can present you a list with about have a billion dollars of needs right now; that is our capital needs list. But when we look at ways of meeting those needs we have to be strategic because not every funding source is applicable for every single project on there. So what we've done is we tried to pick projects that are valid needs off the needs list and match them to what we thought was a likely funding source.

Then we did the same thing for the bond and we did the same thing for the GRT. We'll do the same thing for the next upcoming Water Trust Board cycle when those applications are due in November. So yes, I don't want you to think that I'm saying there's no need, because as I said, we're tracking \$500 million worth of need right now. But we have to be practical and strategic as we try to meet those needs and try to leverage the best kind of funding sources that we have. So that is what this list is. This isn't saying these are the only needs out there. This is saying here are the needs that we think are most likely to get funding through this particular funding source. So I hope that clarifies that.

CHAIR STEFANICS: It clarifies some. What I would like to do before I turn it over to my other colleagues is I would like to thank your staff, all the staff that went out for the community meetings. The citizens responded well to them. They received good comments from the people that talked to me about their experience so I'd like to thank them very much for doing that. Other comments? Commissioner Vigil.

COMMISSIONER VIGIL: Because this is only review and discussion I think I do have some really specific questions about the projects but I think I'd like meet with you about it. Because I have a history on the issue of the roundabout and I also think, for example, the Camino La Tierra road improvements, that might be able to be expanded a little bit more to the Camino La Tierra area because there are some roads there that do need to be sealed and not just Camino La Tierra and perhaps that would give us more opportunity for funding. Because in that particular case many of the residents seek the funding from the state legislature. So maybe we can schedule something in the future to further clarify District 2.

MR. LEIGLAND: Of course.

CHAIR STEFANICS: Other comments, questions? Commissioner Mayfield, did you have something. Commissioner Anaya?

COMMISSIONER MAYFIELD: Thanks. Madam Chair and gentlemen, I know I brought this up at the community meeting when I think Mr. Garcia said we were going to do this. But we're going to coordinate with our local legislators prospective to our districts to see what requests they're also getting from community members so we can kind of not be approached from different ends and we're trying to make a coordinated effort and even doubling up arguably if we have two representatives or a senator and a representative in an overlap area with us.

MR. LEIGLAND: Madam Chair, Commissioner Mayfield, that's exactly right.

COMMISSIONER MAYFIELD: Great. And then just real quick, and just going back to these district priority needs, I want to talk to you - and just to say this if it hasn't been said to you I want to make sure I do get it on the record. A big need in northern Santa Fe County is arguably the down side of Santa Cruz Lake and all the sediment ponds. I know I worked with your department to try to remediate and help move out some of these sediment pond issues. It's another governmental entity that does it. I think it's Jose Varela Lopez that comes with one group. We do help them and assist them with some funding. But my worry is that if those sediment ponds aren't cleaned out and the appropriate funding isn't there and if this means that this is an avenue for us to work with joint entities to get this funding, all these road improvements we're doing in the northern part might be for no reason because they're just going to be all flooded out. So just maybe

if we could look at that as an ICIP request for the northern areas. Thank you.

CHAIR STEFANICS: Thank you. Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I think it's important and I think maybe the next time when you come with a list that you bring the entire list so that it's reflected on the record what was on the ICIP list and then the add-on items. I think that might help provide some clarity. But I do, based on the communications that I've had, La Cienega, the community association came here at the last meeting and did a good presentation but the La Cienega community park, the Highway 14 senior center as was mentioned by Chair Stefanics. Clarify for me. I know we had a large amount of money to take care of the addition in Eldorado and I know we had part of the money set aside already for Highway 14, but did you say we had the entire amount of money for the senior center on 14? Because I wasn't aware of that. I'd be happy if that's the case, but clarify for me.

MR. LEIGLAND: Madam Chair, Commissioner Anaya, if you recall the first list we brought to you for approval was the quick start, and that was where you were seeing the initial Highway 14 senior center money, and that was just to get us started. And that was to give us enough work essentially to carry us through the end of the quarter. On the large GRT list, approaching \$30 million, that was where the remainder of that facility was. And so we haven't pressed with the GRT because we wanted - with that GRT because we wanted to see how the bond questions go, so those particular - the GRT list was sort of held in abeyance right now. So we have enough to get us going but there is funding on the approved GRT list to do the entire facility.

COMMISSIONER ANAYA: And Madam Chair, I want to make a couple comments on item 8 under District 3. I have brought forward and had discussions at this meeting with our Chief and with the community about the potential to do what item 8 says. But the reality is is that I know and understand that that substation is linked to state money for the fire department. So I want us to make sure that we move to try and accommodate this but that we have to accommodate maintaining those fire revenues that we get off of that substation. So I don't want to misrepresent to La Cienega or that community that we're full-blown going forward because we still need to work with our Chief and the volunteer fire department and figure out how we would get the substation constructed to be able to even move in this direction.

If we're able to do that then I think that I would say we augment the request upwards and that we talk about construction services, not so much design. We have a lot of competent staff on your team and the construction knowledge in my mind to be able to deal with planning the design aspect of what we would do if this would come to fruition. But I do want to clarify that that was a request by the community but that there are other money related issues tied to the fire department that we would want to make sure we work through carefully with our volunteers and our Chief.

The last thing I would say is on Highway 14 the chair brought up extension and services into the Silverado Subdivision and maybe even on the opposite side of 14. I know and we all know that that is an area of dire need. So that is definitely an area I would like to see more discussion and thought and even preliminary estimates. I think I'm going to ask and I think Mr. Guerrerortiz provided some rough estimates at a Commission meeting as to what it might cost to extend that water further down the line. So those are my

thoughts. Thank you, Madam Chair, for letting me go twice.

CHAIR STEFANICS: Thank you. Anything else from the Commissioners? Okay, so it looks like we want to have further discussion about this, that we're all vitally interested in it, and we will make the time to talk to you about it.

MR. LEIGLAND: Thank you, Madam Chair. That's exactly why I came to you today.

CHAIR STEFANICS: Thank you. And it looks like Rudy has something he'd like to say.

RUDY GARCIA (Community Services): Madam Chair, I would just like to remind the Commission that we have a deadline of the ICIP by October 1st. So these are just rough ideas and certainly all the ideas that we've gotten from the communities will be on the ICIP and the CIP plan. The extension from the Turquoise Trail to the Lone Butte area is probably a \$3, \$4 million project, something that we feel we're not going to go to the state legislature and ask for a \$3 or \$4 million project. So it's kind of we're challenging ourselves to determine what happens with the bond in November and yet we're still trying to figure what we're going to put as our top five priorities because it's due October 1st because if some issues don't pass on the bond then certainly the priorities can change as we go to the session in 2013. So those are some of the challenges that we have in front of us. But everything is getting on the list. Everything will be on the list and next time we will come back with everything that's on the ICIP, CIP to each one of your districts.

CHAIR STEFANICS: So Mr. Garcia, Representative Egoff has a new district. I think we can give him some challenges, give him some high-ticket items to try to get funded in the state legislature and that \$3 or \$4 million might be a good goal. Okay. Thank you. Thank you for your time today and seriously, thank you for all the community meetings that you guys have done.

XII. D. Finance Division

1. Request That the BCC Issue a Written Order Approving and Imposing the 2012 Property Tax Rates for Santa Fe County

CHAIR STEFANICS: I believe that we do have a deadline on this. Is that correct?

TERESA MARTINEZ (Finance Director): Madam Chair, that's correct. What Carole is handing out is a copy of the certificate of property tax rates. [Exhibit 3] This has not changed from the document that was emailed to you earlier; it's the same. I want to point out that statutorily, DFA is required to issue a written order to separate, and that's typically by September 1st. With the holiday we received that on September 4th and by statute again we are required to, within five days of receipt of that, issue a written order.

So we did coordinate with the Office of the County Assessor and the Treasurer to ensure that the rates as they have been set are correct. I want to point out that the Rancho Viejo special assessment district does not appear on the tax rates. That was able to be completed by an earlier redemption in July. The Deputy County Assessor has prepared for us a comparison like he has in years past of the rates from 2012 to 2011 using a sample

valuation of taxable value of \$100,000. And with that we'll stand for questions. I don't know if you want to add anything?

CHAIR STEFANICS: So, Commissioners, the last page of this hand out is the comparison of 11 versus 12 and while everybody is looking at that I'd like to thank you and the Assessor for working on the special assessment and getting that all settled. Several of the people felt like they just were hanging out to dry but since they're paid off they're very happy.

MS. MARTINEZ: Good. Thank you.

CHAIR STEFANICS: Okay. So in a nutshell, Ms. Martinez, the overall tax rates for 12 is the same operational and a little bit less in debt. Is that correct?

MS. MARTINEZ: Madam Chair, Commissioners, there was a little bit of change on both. You're right that it is a little bit less for debt and a little bit higher for operational. But in total if you look at each entity comparing 10 to 11 the rates decreased.

CHAIR STEFANICS: Okay. I was reading the wrong line here. I was looking at Eldorado. So, if - I see. We have the City in, the City out. What is - 01 is Pojoaque; 08 Edgewood; 08 out is outside of Edgewood; 18 is Española and 18 out is Espanola out. Questions, comments from Commissioners? Yes, Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I had a lengthy discussion in last year's minutes on this particular item and I would just simply restate that this is an obligation in my estimation of the state of New Mexico to set the rates. We can change the rates; we merely look at the rates. It's their function. I even asked at our last legislative cycle and we actually passed it to get the law changed, try and get the law changed so that this is a function of the state solely instead of asking us to approve, because we don't approve anything. These are given to us by the State of New Mexico. So I would stand with that same perspective, understanding the realities of how it works. Thank you, Madam Chair.

CHAIR STEFANICS: Thank you, and Commissioner Anaya, I do remember the conversation and last year, but not this year, last year the Association of Counties tried to make it a priority that the state would just take on the responsibility. And it went nowhere so the Association of Counties did not even tackle that this year.

MS. MILLER: Madam Chair, I want to add a comment to that. Part of the reason they send this back -

CHAIR STEFANICS: Now remember, you work for the County.

MS. MILLER: Part of the reason though that it does come back to the County is to make sure that your assessed value is correctly stated, make sure that your debt service includes all that the debts that you've issued, make sure that the mill rate that you have imposed is imposed and they've applied the formula correctly, so it's not just about approving it's verifying the rate that they set out based on all these components that you verify you have received it and reviewed and that it has been presented to you in order for that to be accepted and then turned over to the Treasurer to send out the tax bills.

So it is - I think the statement of the approval of it, it's really more verifying the process has occurred, that review has taken place and this is the rate and the table that will be used and turned over to our County Treasurer in order to send those bills out.

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR STEFANICS: Yes, Commissioner.

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COMMISSIONER MAYFIELD: Madam Chair, Ms. Martinez, so this also has the effect on the yield control we always talk about, right, where people's property taxes arguably aren't going to go up because the yield control is now lower because we have greater numbers of taxes, I guess on their property. So this is a component of that, and just listening to Manager Miller she just helped me remember there was something I wanted to bring up so I guess this is an appropriate time to bring it up. And it kind of goes back to a passed meeting we just had with our Solid Waste Task Force where we came to some determination, and again, I guess it could be argued of how the minutes were read, but that there was a mill imposed, a definite mill, or if there was a percentage of a mill but not a full mill was imposed for our Solid Waste Division.

So I guess for me to move forward on any more of these mills or approval of this I would like to know, and I hope it's not hard for you, Ms. Martinez, but I'd like to know historically what mills were imposed and for what reasons. Because right now we're already capped about 11 - our mill threshold is 11 point some percent?

MS. MARTINEZ: 11.85.

COMMISSIONER MAYFIELD: And we're already up to about that threshold minus the giveaway for of course the yield control but we pretty much have about 11 percent of our mills already obligated. Right?

MS. MARTINEZ: We're at the maximum of the mills.

COMMISSIONER MAYFIELD: But there was a reason why those mills were assessed and today, in good conscience, I don't know why those mills were being assessed or if they are even being used for that purpose of assessment. So for me, I would just like to know that please.

MS. MARTINEZ: Okay.

COMMISSIONER MAYFIELD: Thank you, Madam Chair.

CHAIR STEFANICS: Thank you. So, Commissioners, we're being asked to act on this. We are given a statutory deadline. We are passed that deadline.

COMMISSIONER HOLIAN: Madam Chair, I move for approval of the order.

CHAIR STEFANICS: I will second it. Further discussion?

The motion tied with a 2-2 voice vote with Commissioners Holian and Stefanics voting in favor and Commissioners Anaya and Mayfield voting against. [Commissioner Vigil was not present for this action.]

CHAIR STEFANICS: So it's a 2-2 vote that lay on the table. Thank you very much.

COMMISSIONER ANAYA: Madam Chair.

CHAIR STEFANICS: Yes.

COMMISSIONER ANAYA: Madam Chair, Steve, understanding that the rates don't change based on our action, what's the state done. I know Bernalillo County did this last year. They did the same thing we did just now. So 2-2, it stays on the table. I think Bernalillo County at the time even voted to not approve the rates. So what now?

MR. ROSS: Well, Madam Chair, Commissioner Anaya, we have a missing Commissioner so there's an opportunity for a re-vote at some point. I think it [inaudible] at

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the next meeting which would be too late. So I think what happened in Bernalillo County last year was they got into a legal fight concerning this.

MS. MILLER: Madam Chair, Commissioners, I'd like to suggest that it's possible to revert back to last year's rate, so you'd be sending out last year's rate, which was higher. So I don't know that that's something you actually want to do. It was across the board a higher rate. So it would actually penalize the property owners at this point if you didn't pass this year's rate. In the city, in the county, non-residential, residential, is actually lower than last year's rate. So I put that out there. But if we don't have a rate approved in [inaudible] rate they probably would direct us to revert to last year's rate.

COMMISSIONER ANAYA: Madam Chair, I don't know. That's speculation I think, Ms. Miller.

MS. MARTINEZ: Madam Chair, Commissioner Anaya –

COMMISSIONER ANAYA: I don't know. I don't actually appreciate that. I made the comments I made, just because it happened to have gone down. It went up last time and it was the fundamental requirement that they calculated those rates.

MS. MILLER: Madam Chair, Commissioner Anaya, it's not speculation. That's actually what we were told would happen if it doesn't get rectified, if it doesn't get approved.

COMMISSIONER ANAYA: Madam Chair, Ms. Miller, don't you think that would be helpful information before? Why would you bring that up now and why would you not have brought that up during the discussion prior to the vote?

MS. MILLER: Madam Chair, Commissioner, it wasn't something asked me, first of all. Second of all, we didn't get to that stage. I didn't continue to let the meeting go on without stating it, but – and I also do not know where Commissioner Vigil is. So I'm just saying that's one of the questions we asked because we knew this issue of whether the County should approve it, shouldn't approve it might come up. We did go back to DFA and ask that question and that's what we were informed.

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR STEFANICS: Commissioner Anaya, are you finished? Mr. Ross, I have a procedural question. The vote was 2-2. In order for anyone to bring the topic back up how would that be resolved since usually it's a person in the affirmative vote.

MR. ROSS: Madam Chair, it wouldn't be a motion for reconsideration. It would be vote only on the question.

CHAIR STEFANICS: Can we do it at this meeting or does it need to wait.

MR. ROSS: I think you'd have to vote to suspend the rule and then do it at this meeting. Otherwise it has to be done at the next meeting according to our rules.

CHAIR STEFANICS: Thank you.

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR STEFANICS: Yes, Commissioner Mayfield.

COMMISSIONER MAYFIELD: Thanks. Madam Chair, Ms. Martinez, I would ask a question. Maybe you stated it but why would this wait so long to come to us before a deadline date that we would arguably running up against the clock, knowing that there was – all I'm going to say is there was some controversy on this issue last year. Knowing that we talked to our legislative delegation about this. Now it seems that again this year we're running up against the clock, that kind of says basically do it or else and if

one Commissioner is out for whatever reason, that kind of puts this body in a tough spot. So I guess my thoughts are there might not be a lot we can do about it for this year but next year my preference would be that we're just backed into that clock please.

MS. MARTINEZ: Okay. Madam Chair, Commissioners, we'll do our best to get it to you as quickly as we can, but we basically did do that based on what we received from DFA. It's a very short time.

COMMISSIONER MAYFIELD: We're waiting for DFA then.

MS. MARTINEZ: They started calculating the rates, setting the rates. As soon as they get them to us we start coordinating the review and showing that the rates are correct and we put it on the very next agenda.

COMMISSIONER MAYFIELD: Okay.

CHAIR STEFANICS: So DFA sent it to us on what day?

MS. MARTINEZ: It was mailed to us on the day after the holiday, September 4th. We asked for an email so we could get on it right away.

CHAIR STEFANICS: Okay, so it was sent to us after September 4th.

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR STEFANICS: Yes, Commissioner Mayfield.

COMMISSIONER MAYFIELD: Would it be out of order to make a motion to suspend the rules for reconsideration based on information that was just give to us?

CHAIR STEFANICS: I think that's appropriate.

COMMISSIONER ANAYA: Second.

CHAIR STEFANICS: Okay. So there's a motion to suspend the rules for this purpose.

The motion to suspend the rules passed by unanimous [5-0] voice vote.

CHAIR STEFANICS: Okay so we have suspended the rules for this purpose.

COMMISSIONER HOLIAN: Madam Chair.

CHAIR STEFANICS: Yes.

COMMISSIONER HOLIAN: I would like to make a motion to approve the written order approving and imposing the 2012 property tax rates for Santa Fe County.

COMMISSIONER VIGIL: I'll second that, Madam Chair.

CHAIR STEFANICS: Okay. Further discussion?

The motion passed by majority [3-2] voice vote with Commissioners Holian, Vigil and Stefanics voting in favor and Commissioners Anaya and Mayfield voting against.

XIII. MATTERS FROM THE COUNTY MANAGER

A. Miscellaneous Updates

CHAIR STEFANICS: Are there any new staff that we didn't hear about?

MS. MILLER: Madam Chair, usually we bring them at the end of the

month, but we do have one new attorney, Willie Brown, who was actually sitting in the front row earlier when we were doing the study session. He comes to us from the state. He was general counsel for the Public Education Department for several years. I don't know all the specifics but he just started this week.

CHAIR STEFANICS: Okay. So welcome to Willie Brown and welcome to other staff who will be introduced at the next meeting.

MS. MILLER: Additionally, Madam Chair, Commissioners, we have several events coming up this week. On Friday we have the Rancho Viejo fire station grand opening and dedication. That's from 4:00 to 7:00 and we'll have the wet-down of the fire station probably towards the end of that. Then also on Saturday at 10:00 we have the Nambe Center ribbon cutting, and then 11:00 to 2:00 an open house.

And then on Saturday as well at the Santa Cruz housing site we have a work day and a meeting by the senior center at 8:00 am to kick that off, and that goes on from 8:00 to 12:00. So those are just some events this week that I wanted to make sure got on the record.

CHAIR STEFANICS: There's another one, I believe. Bern, are we going to do that? Okay. Eldorado has an annual flea market and Bernadette Salazar and I have been talking about doing some job recruitments around the county. So we're going to have a little table or something for Santa Fe County jobs at the Eldorado flea market this Saturday morning. So add that to the list. .

MS. MILLER: Also I wanted to give you an update. The Water Trust Board awards, we did receive notice – at our last meeting we had a conversation about whether or not the awards at tomorrow's meeting with the Water Trust Board was to vie for our awards but we did receive written notification that all of our awards in the county, whether they were directed to the County or to entities within the county, that those have been upheld. So I do not think that we need to be concerned, although I would suggest if anybody does feel the need to go to the meeting they might want to thank the board for the awards we did get.

CHAIR STEFANICS: So, Ms. Miller, let's also send a thank you letter to them for their support of all of these projects. Thank you.

MS. MILLER: Okay. Another item that has come up is there was some concerns, they were fairly brief concerns but some issues relative to mosquitoes and concern with West Nile. I just wanted to remind the Commission and the public that our County Extension Office does have for retention ponds or standing water ponds these things that are called mosquito dunks and the County Commission in the past has funded those. They have a supply there if there are community members concerned about retention ponds having mosquitoes they can call our County Extension Office and get those.

Also, with the question, there was an article about bulk water in Sandoval County and a question as to whether our rates compare with those. I think a citizen had questioned one of the Commissioners whether that was similar to our rates. They actually are identical. We charge one cent per gallon on our bulk rate when you go fill up a tank out by our adult detention facility. So it's one cent per gallon and that was actually the same rate that Sandoval County's was. So there just was a question whether we were out of line with

surrounding counties' rates.

And then also, I just wanted to give you an update that discussions have been progressing with the City relative to some of the sub-agreements with annexation. We're hoping to actually have something to bring forward before the next meeting. I've been working with the City Manager and staff over there, the Sheriff, Police Chief, the Mayor, on trying to get some items that we could bring forward to you at the next joint meeting before we actually get it scheduled.

CHAIR STEFANICS: So, Ms. Miller, would we be reviewing the agreement and some dates prior to a joint City-County meeting?

MS. MILLER: Madam Chair, we might have some things that were basically the discussions you had. Whether they would actually need to be approved at that meeting or whether they go back to the respective bodies, but to actually present to both governing bodies what possible agreements could come out of those sub-agreements that needed to be done for roads, police, fire and water and wastewater and solid waste. So we're trying to get some progress on those so you could see those, as well as propose some changes to amend the overall annexation settlement agreement versus some specific date.

CHAIR STEFANICS: Thank you.

XIII. B. Senior Centers Statistics

TERESA CASADOS (Senior Services): Good afternoon, Madam Chair, Commissioners. I was asked to come before you today to give you an update on some of the statistics on senior services. [Exhibit 4] So what I have done is I've prepared a power point for you that shows a comparison between July of 2011 and July of 2012 to kind of give you a comparison of where we are.

This first slide that you'll see here as a map of Santa Fe County. I know there's been questions about where exactly our senior centers are located. If you take a look at this map it will show you eight senior sites that we currently have, and that includes the six senior centers, the Abedon Lopez, which is up at the very northern part of the county, the Bennie J. Chavez which is in Chimayo, the El Rancho Center, which is located in the community of El Rancho, the Rio en Medio Center, which is located in the community that also serves Chupadero, the Ken and Patti Adam Center which is there in the center which is in Eldorado, and the Edgewood Center which is the center at the very bottom, southern part of Santa Fe County. In addition at the very middle of the map you will see the Rufina site. That's the site that we talked about previously where we will be serving meals on wheels. And I will go into detail on these sites. I'm just giving you an overview of the map. And then the last center on there is the Nambe Community Center which is located in Nambe which is one of the new centers that we will be operating.

Here's a photo of the Abedon Lopez Center which I indicated is up in the northern part of the county. It serves the residents of Santa Cruz. We have a full-time staff there and a half-time activities coordinator. You can see that our numbers have gone up in that center. In July of 2011 we served 357 congregate meals and in July of 2012 we served 477 meals out of that site. So the numbers there did go up over the year and we are continuing to register new participants in that area. We have the following activities there. We have

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an instructor who comes in and does art. We have an instructor who does ceramics. We have a senior volunteer who does an exercise program for us weekly, and then we also do a jewelry class, tinwork and weaving classes. The weaving class also has a paid instructor.

Our Bennie J. Chavez Center is in the community of Chimayo. Right now we are recruiting for a cook for that site so we do not have a full-time cook but we do have a half-time activity coordinator who you will recognize her. She also serves at the Santa Cruz Center. We serve the largest percentage of our meals are served up in the northern part of the county and we have one driver, David Lucero, Jr., who you'll see there, who is dedicated to providing solely those meals on wheels in that part of the county. So he serves meals to residents of El Rancho, Rio en Medio, Tesuque, Chimayo, Santa Cruz and Chupadero. And Cundiyo. The meals there also have gone up in the last year from serving 357 congregant meals in July of 2011 to serving 526 in July of 2012. Our home-delivered meals in that area on that route have also gone up from July of 2011 to 2012, and you'll see those numbers, 747 versus 839 this year.

We also provide activities there five days a week. We have three paid instructors that come in to provide art classes, ceramics classes and weaving classes. In addition we have a senior who volunteers to teach origami and we also have sewing classes there as well.

This is our El Rancho Center, located as I said earlier in El Rancho, serves that community and individuals from Pojoaque and Nambe also go to that center right now. Those numbers remained steady from last year, so we served 79 in July of 2011 and 79 in July of 2012. Our home delivered meals have declined slightly in that area and once we started serving the community of Cundiyo we were not able within the time restraints we are given by the Area Agency on Aging, we were not able to do both the El Rancho and the Cundiyo route, so we started doing frozen meals twice a week in El Rancho, which some of the participants elected not to receive, and so that is part of the reason that those numbers have declined. But with the new vehicles we are purchasing, the hot shots, as soon as those come in we will be able to carry those meals for longer periods of time and we are going to be eliminating frozen meals during the week. We still will serve those to individuals who want them for a weekend meal, but we're hoping that once we go back to that routine that those numbers will again increase.

Activities there have been increased significantly. We've added an art class. We've added a jewelry class. We've added a let's get moving class that they actually love and we've had great participation in that class, and we've added line dancing within the last month. So we're hoping that with the new activities we are providing that we will see increased participation at that center. And all of those classes are being provided with either a volunteer instructor or our activities coordinator, so there is no additional cost to increase those classes at that center.

COMMISSIONER ANAYA: Madam Chair.

CHAIR STEFANICS: Yes, Commissioner.

COMMISSIONER ANAYA: Madam Chair, Ms. Casados, could you talk about how you arrive at the numbers? Is it somebody eats at the center every single day? Is that five days? Five meals? Is that the way -

MS. CASADOS: Madam Chair, Commissioner Anaya, the numbers that I arrived at are based off of what we report and what we get credit for on the Area Agency

on Aging. So we have sign-in sheets at each of the senior centers, and when participants come and they have a meal their name is on a list and they sign in. At the end of the month we report all of those numbers to the Area Agency on Aging. So that is how those numbers are derived.

As far as your question about days per week, currently at El Rancho – all of our centers are open five days a week for participation. We serve meals five days a week. The El Rancho Center is actually open five days a week but at this point in time we have limited participation on two of those days. So we're going to try to increase activity on those days as soon as we can. We're hoping to increase activity on the three days that people actually come and then expand services on the other two days. But it is open if people do elect to come and have lunch there.

COMMISSIONER ANAYA: And Madam Chair, Ms. Casados, on the home delivered meals, those are cooked out of each of those respective senior centers or not necessarily?

MS. CASADOS: Madam Chair, Commissioner Anaya, not necessarily, and I will talk about that later in the presentation, where those meals are cooked, but the majority of our northern meals are prepared at the El Rancho Center. She cooks about 80 meals a day.

COMMISSIONER ANAYA: Thank you, Madam Chair.

COMMISSIONER VIGIL: Madam Chair, on that point.

CHAIR STEFANICS: Commissioner Vigil.

COMMISSIONER VIGIL: Thanks for this report and the color; it helps read through it. With regard to your issue on increased activity, is the lack of current activity based on the demographics changing there, the need for this service? And also, I guess this is a two-part question. When the Agency on Aging monitors this do they look at these numbers and do they make any recommendations with regards to the services we provide?

MS. CASADOS: Madam Chair, Commissioner Vigil, I don't believe that there's been a change in demographics in that area. I hear just from community members that there are still a lot of seniors in that community that have elected for some reason not to participate. So they have a monthly meeting. We've talked about maybe different activities that they would like to see in the centers. The one that got the most votes was the jewelry making, so we've introduced that to see if maybe it will start increasing participation. We have done fliers in that area that were distributed. We're working more on outreach for that community. We've just added somebody to the community board who's very active in that community and is really excited about trying to help us to increase those numbers, just through her community support. So I don't necessarily think that the demographics have changed.

In regards to your second question with COMMISSIONER ANAYA, we have not yet, since I have been on board had any kind of audit or had COMMISSIONER ANAYA come in and look at those numbers. They gave us a pass in the first year because we were a new program and they were trying to let us get on our feet. Just yesterday I filed a preliminary audit question with them, to give them an idea of our centers and they did ask for specific numbers. I anticipate they will be coming in at some point to audit some of our centers within the next couple of months.

COMMISSIONER VIGIL: Thanks. The other – I remember when many of these centers were quite vibrant in terms of the numbers. I'm wondering if the fact that we are doing some home delivery has impacted this also and I don't know if that kind of transitional information was made available to us.

MS. CASADOS: Madam Chair, Commissioner Vigil, I don't believe that that has any impact on the number of individuals coming to the center. There are very strict guidelines for individuals who receive home delivered meals, and they basically have to be home-bound clients. So if there's somebody who calls and requests a home delivered meal and they do have the ability to come to the center and participate, then rather than serving a home-delivered meal we offer them transportation to the center and participate in activities and a congregant meal.

COMMISSIONER VIGIL: Okay. Thank you. Appreciate that.

CHAIR STEFANICS: Thank you. Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, Ms. Casados, as far as the Bennie J. Chavez Center, where are those meals prepared?

MS. CASADOS: Madam Chair, Commissioner Mayfield, are you referring to the congregant meals?

COMMISSIONER MAYFIELD: I'm sorry. The meals on wheels please.

MS. CASADOS: Those meals are prepared in the El Rancho Center.

COMMISSIONER MAYFIELD: So those meals are also prepared there. And just as far as the Rio en Medio Center, because the numbers have dropped off, that center was closed down for some time due to remediation to make it your commissary center. How long was the closure there at that center and how long were people displaced for not having those?

MS. CASADOS: Madam Chair, Commissioner, that center was closed down for approximately eight months. So my understanding was individuals were transported from Santa Fe to the Rio en Medio Center. They liked the setting, they liked the small community and during that time they started frequenting and going to some of the City centers and we have been unable to get them to come back to that center. They're very interested in doing ceramics and at that center at this point in time I have not found a ceramics instructor for that particular center. We do have a new activity coordinator there, Carol Branch, who is our activity coordinator at Eldorado and does a fantastic job there. She's been reassigned to the Rio en Medio Center and she has since started several activities there.

She has started an arts and crafts class which she leads. They're doing bingo which is very exciting for them in that community. She started a card making class and she's also doing her chair aerobics class which my understanding is she does have several people coming for that class. So the hope is that with the activities that are planned and scheduled and consistent that we will start to grow that center again.

COMMISSIONER MAYFIELD: Okay. Thank you.

CHAIR STEFANICS: As you can see, Teresa, we've been jumping around on your handout.

MS. CASADOS: That's okay. So the next center that we have is the Ken and Patti Adam Center. We have a large following at that center. We have huge participation, activities that are going on consistently throughout the day. The numbers in

that center have grown also since July of 2011 to 2012, serving 539 in 2011 versus 642. The numbers there for home delivered meals has also grown considerable. Andrew Armijo is a half-time meals on wheels driver. He does routes in that area including Cerrillos, Lamy, Galisteo, Arroyo Hondo. We do have a team of volunteers in Eldorado that do serve the Eldorado route. And that was a request that they made when we pooled all the routes for meals on wheels drivers; they still wanted to be involved in that community and have that day-to-day contact with some of those seniors. So that route is still handled by a team of volunteer drivers. There's a different person each day of the week.

Then we have a full-time driver assigned there that brings people to and from the center and also transports people from Eldorado in for doctors' appointments and any kind of medical appointments that they need.

The Edgewood Center is one of the centers that has grown significantly. They're serving 784 meals a month versus 663 last year. Their meals on wheels have almost doubled from 250 last year to 478 this year. There's tons of participation in that center. There are seniors there throughout the day participating in various activities. We have art, card-making, ceramics, creative writing, several different exercise classes, a leatherwork class and writing workshops in that center. We have a full-time driver who also does the meals on wheels, an activity coordinator half time, a full-time cook and we're currently recruiting for a half-time position to serve as a half-time assistant backup driver. They are also very active in gardening in that community.

This is the Rufina site. This is the site we'll be delivering the home-delivered meals out of. At this point in time the kitchen is completely set up. We are waiting on inspections from the Environment Department and the Fire Marshal to give us the okay that we're ready to open that kitchen. We are currently recruiting for a cook. Home-delivered meals will be coming out of this center for Highway 14, 599, all that entire area that we've talked about in the past that is underserved. We have not at this point determined if we will be serving congregant meals out of this site, but we did do a survey to the residents. There are 125 apartments there. I got back responses from 35 seniors indicating they would like to participate in a congregant meal setting there, so it is something that we are looking at down the road.

This is the completed Nambe Center. County Manager Miller mentioned earlier, Saturday is the ribbon-cutting ceremony from 10:00 to 11:00. There will not necessarily be daily services provided out of that center. It is going to serve as a hub for us for our nutrition and wellness center and we will be doing training seminars in that facility for countywide seniors and staff training at that facility.

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR STEFANICS: Yes, Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, Ms. Casados, that's not an accurate picture of the center. It's been remodeled. So that's not the completed center.

MS. CASADOS: Okay. That was the most recent picture I received.

COMMISSIONER MAYFIELD: That's fine, but it's just not the most recent. Just so everybody knows.

MS. CASADOS: Thank you.

COMMISSIONER MAYFIELD: So when they see it improved they don't say, wait a minute. What happened here?

MS. CASADOS: Well, I did get handed a picture here earlier but I couldn't get it into the power point. I apologize. So this just shows the congregant meals, and as you can see, when they're all side by side, the majority have gone up with the exception of Rio en Medio which was closed for eight months, and El Rancho, which we are really concentrating our efforts there to increase that population.

This shows the home-delivered meals which again have all gone up with the exception of El Rancho, and I truly believe that that is due to the frozen meals that we're serving twice a week, which we are hoping to end as soon as we get in our new hot shot.

This year COMMISSIONER ANAYA did give us some money for funding transportation and to date for July we've provided 595 units. I think that far exceeds what they expected, since they only contract to give us payment for 1,300 units for the entire year. So we are far exceeding their expectations and we have several people that utilize the service for transportation and I believe that there are a lot of people up north that are not really aware of the services that we provide, but we're starting to get a lot more calls from that part of the county.

So with that, I stand for any questions that you might have.

CHAIR STEFANICS: The question I would have, Teresa, is if we increase services will we receive an increase in reimbursement from the state or they will give us a higher budget?

MS. CASADOS: Okay, Madam Chair. The amount that we've contracted for with the state of New Mexico we've already set. Back in February, based on the numbers we were doing at that point, we made projections, we increased based on growth and we gave the state a number that we thought we would serve in units. So it is considerably more than it was last year. I believe last year we contracted to do 26,000 congregant meals and we actually this year increased that to 31,500 So the numbers are already set. That being said, if in fact COMMISSIONER ANAYA has money at the end of the fiscal year that is unspent, and there are programs that are exceeding their numbers, then there is the possibility that we will receive additional funding. We did exceed numbers for last fiscal year and we received a reimbursement from COMMISSIONER ANAYA. They called it a bonus check. I believe it was somewhere in the neighborhood of \$13,000 and that will be on the next agenda, I believe, for us to accept that money into our budget and do a budget increase. So it is a possibility if they do have funds left over that they would increase the amount that we're reimbursed.

CHAIR STEFANICS: So I would work with Rachel and Ms. Miller on us requesting, putting into a letter, a request to the area agency on agency, a supplemental or a bonus - whatever language they want to use indicating the tremendous increase in services. And I understand they have their formula. They have to deal with every county that's in their area, but I think it wouldn't hurt to have a letter from the Manager and the County Commission for that.

MS. CASADOS: Madam Chair, they do at the end of December, after six months of service, they do review the numbers and at that time they ask and we'll be able at that point to see where we are in service and request that type of increase in budget.

CHAIR STEFANICS: Great. Yes, Commissioner Vigil.

COMMISSIONER VIGIL: I am wondering, and thank you for this update again. The survey that you took around the Rufina area, and I know you mentioned 599

and Highway 14. Agua Fria has a village association that it would be good to make connections with because they can actually conduct their own surveys and assist further in this, and that is probably a concentrated area of underserved population. So I know that Rita Maes with Constituency Services has the contact information with regard to who you would contact and I know they are perfectly willing to assist you further in this kind of information and be able to identify the needs in that area.

MS. CASADOS: Madam Chair, Commissioner Vigil, I will contact her and get in touch with them. We also have made contact with the La Cienega Association to determine need there and I am going to be coming to one of the association meetings there to present what our program provides.

COMMISSIONER VIGIL: Okay. And maybe that would be a really good next step to go to the association meetings because these people might have questions and they meet the first Monday of every month.

CHAIR STEFANICS: Great. Anything else, Commissioners.

COMMISSIONER ANAYA: Madam Chair.

CHAIR STEFANICS: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, every single time we have reports on senior services there's always a lot of interest from the entire Commission, so I for one would like to see updates even more often. As often as we can, because I think it gets the word out on what we're doing with services but more importantly it notifies people about the services we provide. What do we do on an ongoing basis to let the public know that the services are available and what they need to do? For example, in the rural areas that aren't in proximity to senior services, what are we doing to let them know there are meals on wheels available? How do we get the word out?

MS. CASADOS: Madam Chair, Commissioner Anaya, to be honest there has not been a lot of outreach done on the program. It basically has been word of mouth. We work closely with different entities such as Kitchen Angels, some of the nursing programs, some of the doctors offices and hospitals, and its referrals from their offices that we do get a lot of calls for the meals on wheels clients. But other than those referrals from those entities that we work with, we also work very closely with the State Department of Aging through their resource center and they're aware of all the services they provide. So when they get calls or concerns about constituents in these areas they refer them to us, and we are working as quickly as possible to get individuals assessed and get them services.

Right now, because we do have room for expansion, we do not have any waiting lists for any of our services and we are serving anybody who has a need.

COMMISSIONER ANAYA: So, Madam Chair, Ms. Casados, could you talk about the two programs, the two primary – the congregant and meals on wheels and the activities. Who's eligible to access those congregant meals and how do they access those congregant meals for the public listening on the radio or maybe watching.

MS. CASADOS: Madam Chair, Commissioner Anaya, congregant meals are available to anybody in Santa Fe County aged 60 and over. You also qualify if your spouse is age 60 or over and your are not, or you are disabled and you reside – and your primary caretaker is somebody who is 60 and over. But you have to reside with them. They can't just be your caretaker and come in. You have to reside with them. So any of those individuals are eligible for congregant meals. They can come to any of our sites. We

have people onsite who will do an assessment of them and they can just immediately receiving congregant meals.

Individuals who are interested in home delivered meals – those are the same criteria. They're 60 and over. They have to be homebound and basically unable to prepare meals for themselves. So we will come in. We do a home assessment. There's a grid that COMMISSIONER ANAYA gives to us with questions that need to be answered and they get scored based on the answers to those questions. Then that documentation is sent into COMMISSIONER ANAYA for their acceptance and those individuals are started on the next Monday starting COMMISSIONER ANAYA's approval of their application.

COMMISSIONER ANAYA: And Madam Chair, Ms. Casados, what phone number might people call if they're interested in learning more about the services?

MS. CASADOS: They can reach me at 505-992-3094. And we are working on a little brochure that does have all of our services. We did have one out last year at the Aging Day at the legislature that listed all of the services that we have and we're just updating that with telephone numbers and that will be available for distribution.

COMMISSIONER ANAYA: Thank you, Madam Chair.

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR STEFANICS: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, thank you, and along Commissioner Anaya's points, the congregant meals are the meals that are served inside the center, where people can get a hot meal inside the center. What is the cost for seniors 60 years and older?

MS. CASADOS: Madam Chair, Commissioner Mayfield, the cost for seniors is a donation. It is a suggested donation. So nobody is turned away for inability to pay for a meal. It is \$1.50. The cost for individuals not 60 and over at the senior centers is \$7.50.

COMMISSIONER MAYFIELD: So on that point, if a child, a grown child would like to accompany their family member or anybody that wants to go in and have a meal there they can still be provided a hot meal; they just would pay the full price of that meal. So it's just strictly not for seniors 60 years and older. Somebody who just needs a hot meal also. But they have to pay the price for that meal.

MS. CASADOS: That is correct.

COMMISSIONER MAYFIELD: Okay. What – Ms. Casados who are arguably maybe 60 years and younger who have a medical condition, they have a disability – is there anything that the County can do to try to help these individuals or assist these individuals with special pricing or assistance with the centers?

MS. CASADOS: Madam Chair, Commissioner Mayfield, I am – the \$7.50 price is set by the Area Agency on Aging.

COMMISSIONER MAYFIELD: Okay.

MS. CASADOS: Basically, when we submit our budget to them we have to say what our costs are for that center, what our overhead costs and all of those costs are and then they dictate that figure to us.

CHAIR STEFANICS: On that point, could you clarify what the Area Agency on Agency, whether then those younger than 60 with a disability need to be with somebody 60, or if they can be younger. Just clarify for us.

MS. CASADOS: Madam Chair, the way the COMMISSIONER ANAYA guidelines read is that if an individual has a disability they qualify if they reside with a caretaker who is over the age of 60. So right now, the way those guidelines read there are individuals who are under the age of 60 who maybe live on their own, do not qualify for the \$1.50 meal at those centers. They could still come in and have a meal but they would be required to pay the full price of \$7.50.

COMMISSIONER MAYFIELD: And Madam Chair, Ms. Casados, can transportation be provided to individuals with a disability that need to access those centers?

MS. CASADOS: At this point in time we have not declined transportation within Santa Fe County to individuals with disabilities who need to get to doctor's appointments. We have not, however, had any requests to transport individuals with disabilities to our senior centers to participate in congregant meals.

COMMISSIONER MAYFIELD: Okay. Thank you. And then also, just the hot meal is another option. That's when they can participate in the class activities, the different activities you have, the exercise activities, the arts activities, the educational activities. I think a couple meetings that I've attended at the senior centers, there's also educational opportunities for people to try to provide some information on the Medicare policies out there, the supplemental policies. So I see that your office does that type of coordination also with these centers.

Also, Madam Chair, just four of the five centers up north have a community center for the community. How many community centers do we have countywide that were in addition to what you just listed on this map?

MS. CASADOS: Madam Chair, Commissioner Mayfield, we have six community centers countywide.

COMMISSIONER MAYFIELD: In addition to these?

MS. CASADOS: No. Total. I believe it's three others. Let's see. Up north are senior centers that serve as community centers are the El Rancho, the Rio en Medio, and the Chimayo Center.

COMMISSIONER MAYFIELD: And now the Nambe Center.

MS. CASADOS: And now the Nambe Center would be also. Yes. And then we have community centers, we have the Nancy Rodriguez in Santa Fe, we have the La Cienega Center and I believe - what am I missing? Cundiyo. Thank you, Ron.

COMMISSIONER MAYFIELD: So again, some of these centers do serve multi-purposes. Not strictly just a senior service center but -

MS. CASADOS: Three of those centers up north do serve multi-purpose.

COMMISSIONER MAYFIELD: Four.

MS. CASADOS: Three of the senior centers. Or with Nambe, yes. Four.

I'm sorry.

COMMISSIONER MAYFIELD: Okay. And I appreciate hearing that. And then I guess just in closing, I know I've talked with your office about this. I really want to make sure that we get the volunteers organized for representative of both the senior centers and the community center. I've kind of been asking for the year and a half I've been on this bench and for whatever reason it's just been a long, drawn-out process. I think if you really want to do more, and I know you do, of the recruitment opportunities, it's great to have that community membership involved in the direct community centers. That way they

can bring to you issues of what's going on and they can hopefully help do that potential recruitment to these centers. And then also you have two more advisory boards to these community boards, right? What is the status of those boards? If you could just let me know please.

MS. CASADOS: Madam Chair, Commissioner Mayfield, two more advisory boards?

COMMISSIONER MAYFIELD: You have the senior boards for each individual senior center. I'm sure that's how it was set up under the resolution. And then there is one general advisory board for all of the senior centers countywide.

MS. CASADOS: Madam Chair, Commissioner Mayfield, that's correct. So each of the centers has their own election within the center and they have meetings monthly with who they've elected within their center to run that center. Then there's also the Senior Advisory Board. The first meeting for the Senior Advisory Board is scheduled for October 10th. It's going to be held at the Eldorado Center. At the next Commission meeting, on the 25th we will be bringing forward the final two members to be appointed to that board, so that we will have a full board in place by October 10th for that first Advisory Council meeting.

COMMISSIONER MAYFIELD: Okay, and since you're here and I won't ask it when it comes to Matters from the Commission. What about the status of the community center boards?

MS. CASADOS: Madam Chair, Commissioner Mayfield, the community center boards – we have a full board in place at El Rancho, and we're scheduling board training for them, so before we get moving forward we're going to get all of the board together and do a training session on that. We have also a full board in place and Cundiyo. When I say a full board, we have three members out of the five. We have a quorum for that. Also in Rio en Medio. So we're moving forward with board training for those two boards as well and that will happen hopefully the last week in September. We're just trying to get the contract finalized for the individual that will be providing that training.

We are working on getting the board assembled for La Cienega, and I've been working with members of the community there to get interest and get applications there. We also will be at the ribbon-cutting ceremony at Nambe and we will have the entire packet for individuals who are interested in serving on that board available for them to fill out at that time.

COMMISSIONER MAYFIELD: And Ms. Casados, what about the Senior Community Center Board, the advisory board for all the community centers in Santa Fe County?

MS. CASADOS: Madam Chair, Commissioner Mayfield, that is board I said we're having the first advisory meeting on the 10th.

COMMISSIONER MAYFIELD: Oh, I thought that was for the seniors. I'm talking about community centers now. There's a bigger advisory board for all the community centers. What is the status of that board?

MS. CASADOS: Okay. My understanding is that once we have all of the community boards in place we will then be having representation from each of those boards serve on the Community Advisory Board.

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

Chair. Thank you, Ms. Casados.

CHAIR STEFANICS: Thank you. Any further comments? Thank you, Ms. Casados for coming today.

XV. MATTERS OF PUBLIC CONCERN (Non-Action Items)

CHAIR STEFANICS: Okay, so before we go to the County Attorney, is there anyone in the audience that came for Matters of Public Concern which is a non-action item? Okay. Thank you. Mr. Ross.

XVI. B. Commissioner Issues and Comments (Non-Action Items)

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR STEFANICS: Yes, Commissioner Mayfield.

COMMISSIONER MAYFIELD: Is it possible to do Matters from the Commission so we can let staff go if we're going to break?

CHAIR STEFANICS: I don't believe so. We have some visitors for our meeting that we need to accommodate. Mr. Ross, what do we need to discuss in executive session and for how long?

MR. ROSS: Madam Chair, we need to go into closed executive session to discuss pending or threatened litigation and I estimate an hour and fifteen minutes.

CHAIR STEFANICS: Okay, so we are expecting to be away from this meeting in recess at least until 6:15 or 6:30. So we will not start any land use cases until that point, and when we come back we have one other item before the land use cases. So I think that individuals who are here for land use cases would be safe coming back at 6:30. Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, could we – and I know we should have done this at the beginning of the meeting, but could we consider a modification to allow Commission items before we go into executive so staff can probably leave, because I think otherwise they're just going to be waiting around for us to come out for that item?

CHAIR STEFANICS: Okay. So let's accommodate the Commissioner item. Commissioner Anaya.

COMMISSIONER ANAYA: So, Madam Chair, what I've tried to do is I'm going to be brief but what I've done today is I've actually – and I did this a couple times before is I actually did a written summary of the items that I have and I want to include those for the record. And I'll just summarize the items.

CHAIR STEFANICS: Thank you.

COMMISSIONER ANAYA: In item 1 I have a request for feedback. I've received some feedback on the ICIP wellness center in Stanley and the portable in the [inaudible] summary. I talk about water and utilizes the fire station as an interim means. And also bringing up again that I would like for Mr. Leigland to work with Mr. Barela on a meeting time to meet at the site. So I appreciate that.

La Bajada Community Mutual Domestic Water Association – I think there are still some details that need to be worked out associated with the project. I understand that Mr.

Leigland has already had a meeting with Mr. Gallegos and I think it has to do with them not wanting to relinquish full control of their water association. Mr. Leigland, I know you're in discussions with them on that so that we could figure out how to get the project done, how to have adequate responsibility over our components but not give up, have the water association give up all of their authority. There is a resolution I know you passed, Madam Chair, that I'm going to be working with staff on a potential amendment to the resolution, but we worked hard to get that money that the Manager brought up earlier, and I wouldn't want to lose out on that, so Mr. Leigland, I'll work with you and Mr. Gallegos and the water association and your staff to hopefully come up with a workable compromise to get through those matters. Do you see any obstacles to us working that out, Mr. Leigland, since that's a really high priority project for those residents in La Bajada?

MR. LEIGLAND: Madam Chair, Commissioner Anaya, when I met with Mr. Gallegos on site he outlined I think seven conditions that he would like to see met and I didn't speak to them out there but I have to look at those. I think to answer your questions about difficulties I think we'd have to go back to the Water Trust Board because the Water Trust Board was pretty explicit and actually I went back to read the minutes of the meeting where we got the funding back in April and the Water Trust Board was very explicit in those minutes and in the letter I gave to Mr. Gallegos and I don't know if you've seen it, where we were approved the funding. There was a list of ten things we had to provide the Water Trust Board by next April and that was a very explicit list too. So we'd have to deal with them, I think, about those two particular items.

The two items I'm speaking of in particular, one is a resolution from this Board for taking ownership of that mutual domestic, and the second thing is that mutual domestic providing proof to the state that the assets have been transferred. So we'd have to deal with the Water Trust Board on those particular items. The seven conditions that he explained to me I think are all do-able but again we'd have to look at each one of them. So I think we can totally reach a compromise. I think we're good after I spoke with Mr. Gallegos again yesterday and so I think we're good.

Now, staff, we're having a meeting, staff is having a meeting internally and then I'm going to go to the mutual domestic's board meeting October 12th. Mr. Gallegos invited me to that and I think we'll make a lot of progress there.

COMMISSIONER ANAYA: Thank you for the update on that, Mr. Leigland. On the code draft, I just have two comments. It's important to me, as I said earlier that we incorporate all necessary documents and adequate public input into the process, and that all communities or communities of interest, but the code isn't a one size fits all.

La Cienega, La Cieneguilla and La Bajada, I'm requesting that we get support. Representative Hall set up a meeting with the State Engineer's Office on September 21, 2012 to discuss water areas in that basin and I'm requesting that Chris be present along with whoever you deem appropriate, Ms. Miller.

Item B in that same corridor is the beaver issue and ponding, still a relevant issue I get concerns on in the Santa Fe River. I understand we don't dictate water flow and actions on City property, however, I would like more discussions and some feedback relative to the County property and mitigation that we could do on our own property and potentially on BLM property.

On the park issue which I think is very relevant to our ICIP – I see Mr. Leigland, although he didn't go back. I know Mr. Garcia and Mr. Leigland have worked on that park issue but I think we need to revisit the lease and make sure we're still in accordance with the State Land Office and make sure everything is up to par.

Cerrillos Hills, I'm requesting feedback on that, if staff can back to me on. We already received the update on the senior centers and the planned senior center on 14. Maybe if I could get some more specifics on that outside of the meeting that would be helpful.

An item that I've brought up in the past that I know other Commissioners have brought up is that I know our Open Space and Trails Committee has been working on utilization of trails and trying to build in a process where people can start to use those trails on some limited basis. I haven't heard anything. I don't know if we're doing that but I would like to get feedback because I know that there's horsemen who want to utilize the property and hikers that want to utilize some of the property, so I'd just like some feedback based on the Open Space and Trails Committee.

I see the update and I don't know if I stepped out when we had it but I see the brochure, Madam Chair, that we have and I don't know – do we think we need to get a little more specific on some of the projects of what they are? I would think that it might be helpful to the voters if they understand and see that there's projects in every district. That might be a helpful tool to be added. I don't know if there was more discussion. Also, we requested some information – is the quarter percent in here as well? No, this is just the GO bond.

CHAIR STEFANICS: It's just the GO.

COMMISSIONER ANAYA: So we were going to – and I know, Madam Chair, you had a good idea about notification on meetings, Chamber of Commerce, Kiwanis, realtors, whoever, but I still stand ready to support and help with that initiative if we roll it out.

We're getting close to the legislature. I know we talk with our delegation constantly, but I think the sooner we're prepared and the sooner we prepare in dialogue the better off we'll be. I think the challenge that the chair issued about maybe putting some larger projects to some of our delegation may be a good one. So I don't know. Do we have any plans on having those discussions soon? As a Commission? On legislative priorities beyond the ICIP list?

MS. MILLER: Madam Chair, Commissioner, yes. Actually, one of the things I want to do on that, the ICIP we really have that whole issue of having to turn something into the state but we also recognize from conversations last year that we really didn't want to have the countywide list to have to be submitted and then go by district and then go by what we would put forward for legislative requests. So this process that we started today was just kind of the first piece in that, and also, depending on what happens in the election relative to the GO bond it may change some of the things that you would request of the legislature.

But that requirement to submit the ICIP to the state somewhat pre-empts some of our planning processes as far as the GO bonds. So we did want to bring the full list, as you suggested, as well. That shows you where we do have funding in each area and it gets both of those things started as well as the ICIP, total, countywide, ICIP by district, and then

also legislative priorities by district.

COMMISSIONER ANAYA: Thank you, Ms. Miller, for that update. We had a discussion earlier, and I appreciate the follow-up. The feedback I got and it was a resident by name of Jerry Marquez, and it was Sandoval and Bernalillo County and it was a news story that ran on the cost of water. And here is something that I would offer that Commissioner Stefanics brought up earlier, the challenges that we face in Highway 14. A lot of people haul water in that region. I know that Commissioner Mayfield has brought up the use of raw water. So what I'm going to ask us to do and analyze is the more water we can sell that's raw water that we can find access points that's potentially surface water, the better and the more we protect our groundwater. So I know there may be fees that are exactly the same.

If that's the case in Bernalillo County I'd like to check with Bernalillo County. But maybe this is an opportunity for us to think out of the box. I know Commissioner Mayfield alluded to it in the last two meetings, but maybe this is a way for us to think out of the box to get people who maybe don't haul water right now for surface use to think about hauling water. And if price it at a low enough price we may be developing a strategy that encourages people to use less groundwater and utilizing some of our surface water, which we're not utilizing all of our capacity as it is. So I know that's a broad question but I did tell Mr. Marquez I would bring it up and that we would continue to look at it. Especially in that corridor because I know that they don't have the groundwater. So in my estimation the more we can get them to extract water from the surface water components from our utility the more we preserve the groundwater.

A couple last quick things, Madam Chair. Torrance County, the City of Moriarty, the Town of Edgewood, and I've had some communications with them and some communications with RECC, are implementing working with a non-profit in implementing a public radio station in the Estancia Basic. And I've asked Mr. Martinez to check with them about emergency communications in coordination with that public radio station. But also public service announcements through our departments as well as we have expressed an interest in broadcasting the Board of County Commission meetings in that part of the region of the county as well. So I'm encouraging us to continue to have dialogue with them.

The last item – I appreciate the dialogue that's been initiated with Public Works and the Manager's Office and encourage Land Use to continue discussions with Route 66 and their economic development issue in that corridor. That is going to be a special consideration area that is going to have direct impact to the code, because what they're seeking to do and what's allowable in other parts of the county are two different things or maybe more than two different things. So I will provide this to the recorder [Exhibit 5] for the record and provide a copy to the Manager as well as forward it by email to the Commission. Thank you, Madam Chair.

CHAIR STEFANICS: Thank you. Commissioner Vigil.

COMMISSIONER VIGIL: Actually, I was going to pass for now.

CHAIR STEFANICS: Thank you. Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, just real quick. Manager Miller brought it up but the Nambe Community Senior Center is opening this Saturday. Ribbon cutting is from 10:00 to 11:00 and then from 10:00 to 2:00 we are going to have

other purposes out there. One, we are going to have a small job fair also I was informed today. We have the ability for individuals to acquire a burn permit for that reason, which is Medic 50, the Pojoaque region if you need to do any agricultural burning now's a good time just to stop by and get a burn permit from this ribbon cutting or else you can stop by the local fire station also to acquire that burn permit. So I just encourage anybody that can get out there to get out there and see their new center.

Also, I should have brought this up with Ms. Casados, but a long-time community member by the name of Ross Martinez from the Chimayo area passed away a few weeks back and he was really involved with the Benny Chavez Center. So I just wanted to bring that up. Thank you.

CHAIR STEFANICS: Thank you. Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Madam Chair. I was just wondering whether it would be okay after we came back from executive session.

CHAIR STEFANICS: Let's complete this item, please, now that we're doing it.

COMMISSIONER HOLIAN: Okay. First of all, I want to thank staff for bringing out the draft code. I think – I know that they've spent many hours of work doing it and I was very impressed with the initial draft. I also want to say that I've gotten a lot of feedback from my constituents who think that passing this code is a very high priority, so I think that what we're doing is very important.

I also want to thank Vicki Lucero. I know she's not here and maybe you'll let me thank her when we do go into the land use part. She and Land Use staff did an excellent job of dealing with an issue that had to do with the Desert Academy and a wastewater problem, and I got a lot of great feedback that it was handled very professionally and they did a great job.

I also want to give a report on the NCRTD. We had our last meeting on Friday, September 7th. A couple of important items: First of all a member of the Rio Metro Board that has to do with the train will become an ex officio, non-voting member of the NCRTD and attend all the meetings to improve the dialogue between the Metro and the NCRTD. Already, Tony Mortillaro who is the director of NCRTD is attending Rio Metro meetings. That member will probably be Terry Doyle.

Number two, Edgewood is now a member of the NCRTD. We voted for that. That means that the quorum is going to equal seven rather than six and we've already had problems with getting a quorum and we've had to cancel a couple of meetings so that I hope that Edgewood will start to attend the meetings; they did not even attend this last meeting.

Let's see. The other thing that I wanted to bring out about the NCRTD that is of interest to everybody in northern New Mexico is that the executive director is putting out an RFP to bring somebody in to do overall route planning for the entire district so that we determine whether we actually do have the best routes chosen and the first thing that they'll do is a needs assessment to find out what the needs are out in the community, and I have heard that they have about four times as many requests, money-wise, as they can handle with the budget that they have. So it's really very important to do a prioritization and they are going to bring someone in who is professional at doing this.

Another thing we voted for was that the free fares will be continued until 2013 as

was voted on last year, and at that time we will re-examine that issue.

The final thing that I wanted to bring up is that as part of a team from the city I am going to be attending the Sustainable Communities Leadership Academy and I was very honored to be asked to be part of this city team. This team was put together by Katherine Mortimer. She applied to the Academy because only those teams who are accepted get to attend this Academy because it's an all expenses paid thing. That is the Academy pays for the teams to come in and there are probably about 15 teams chosen from all over the country. The City of Santa Fe in fact was the team from the smallest city that was chosen and the reason that it was chosen that they pointed out was that there were actually elected officials who were part of that team and they were very impressed with that, in fact Katherine Mortimer will be attending. Mayor Coss is part of the team, Carmichael Dominguez and Cindy Padilla and I will be attending this. It's in early October and the subject is Climate Change, Adaptation and Resiliency. And the idea of this is for us all to share what we are actually doing. It's a very results-oriented leadership academy. So I will give you a report when I get back and I'm very excited about going. Thank you, Madam Chair.

CHAIR STEFANICS: Thank you. And thank you for participating in that new honor. As all of us did, we all thanked our employees for Labor Day, even though it's passed. We do appreciate all of the work of the unions and the employees who are not in the unions for Santa Fe County. We could not do this without you and we appreciate your sticking with it. Regardless of how little or how greatly you are paid we appreciate the work that you do.

So now that we are –

COMMISSIONER VIGIL: Madam Chair, may I-

CHAIR STEFANICS: Yes, Commissioner Vigil, certainly.

COMMISSIONER VIGIL: I look at my notes to make the announcements I wanted to. Reminding everyone that the Hazardous Waste Collection grand opening is this Friday from 10:00 to 12:00 at the BuRRT. That's on Buckman Road. It is open to the public and these kinds of groundbreaking and ribbon cuttings can be placed on the website. Because on September 19th from 2:00 to 4:00 there's also a groundbreaking for El Camino Real, and the detailed information for that should also be placed on the web. That's from 2:00 to 4:00.

On September 20th the Burro Lane open space will also have a ribbon cutting and I believe that that is also from 2:00 to 4:00. Those details have been sent out I believe by notification by our Public Information Officer, but I also think it may not be a bad idea to include them in the web because not everybody is on that e-list.

The other thing I wanted to mention, the next time the Board of County Commission meets as the Housing Authority, I have requested that we get an update from the Homeless Housing group that's been meeting regularly and our staff has been attending that. I think it might be quite informational to know where there at in terms of them making any headway in addressing that critical issue in our community.

Other than that, Madam Chair, I would just ask Commissioner Anaya, there were some statements that you made and recommendations that you drafted and wanted to make it a part of the record, some of them involve policy and require a Commission decision making process. Is that your understanding?

COMMISSIONER ANAYA: No, not at all. None of the items that I have were related to policy, I don't believe. I asked [inaudible] to look into the water. I had a request from a constituent -

COMMISSIONER VIGIL: Oh, so you're just asking for follow-up.

COMMISSIONER ANAYA: Yes. Absolutely. But I do think that some of the items as we give feedback could absolutely rise to the level of policy which would be the determination of the Board, but no, they're not -

COMMISSIONER VIGIL: Then I'm sorry. I apologize. I've had a couple of emergencies so I did miss part of the presentation. I just wanted that clarification. I appreciate that. Thank you, Madam Chair.

CHAIR STEFANICS: Thank you.

XIV. MATTERS FROM THE COUNTY ATTORNEY

1. Executive Session

a. Discussion of Pending or Threatened Litigation

CHAIR STEFANICS: So we are now back to the items from the County Attorney. He indicated that we have pending or threatened litigation and we would need one hour and 15 minutes, which then would take us to about 6:45 for all those people here waiting for land use cases. So is there a motion?

COMMISSIONER HOLIAN: Madam Chair, I move that we go into executive session where we will discuss pending or threatened litigation.

COMMISSIONER VIGIL: I second that.

COMMISSIONER ANAYA: Madam Chair.

CHAIR STEFANICS: Yes, Commissioner.

COMMISSIONER ANAYA: Could we have a listing of the cases we're going to discuss?

MR. ROSS: Madam Chair, the only case we're going to discuss is the UDV Church case.

COMMISSIONER VIGIL: Madam Chair, is there any other items of discussion that we - Okay. Thank you, Madam Chair. My second still stands.

The motion to go into executive session pursuant to NMSA Section 10-15-1-H (7) to discuss the matter delineated above passed upon majority [3-2] roll call vote with Commissioners Holian, Vigil and Stefanics voting in the affirmative and Commissioners Anaya and Mayfield voting against.

[The Commission met in closed session from 5:25 to 6:52]

CHAIR STEFANICS: Okay, we are coming out of recess. Is there a motion?

COMMISSIONER HOLIAN: Madam Chair, I move that we come out of executive session where we discussed the UDV case. Present were Commissioner Stefanics, Commissioner Vigil, our County Attorney, our County Manager, our Deputy

County Manager and attorneys for the County with regard to the UDV case, Bob Beckert, Dale Young, and Terry Wright. Not present – and I was present – not present were Commissioners Mayfield and Anaya and I would just like to make a comment that this is a very sensitive case for the County. It's probably the most sensitive one that we've ever had in years and it really could possibly affect the taxpayers of Santa Fe County and I think it's the responsibility of the Commissioners to be involved in this case. After all, we made the decision. So I think it's incumbent upon us to be present to protect the interests of our constituents. Thank you, Madam Chair.

CHAIR STEFANICS: Thank you. Is there a second?

COMMISSIONER VIGIL: Second.

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

XVII. PUBLIC HEARINGS

A. Growth Management Department

- 1. CDRC Case # V 12-5120 Elia Gutierrez Variance. Elia Gutierrez, Applicant, Requests a Variance of Article III, Section 10 (Lot Size Requirements) of the Land Development Code to Allow Two Dwelling Units on 1.24 Acres. The Property is Located at 13B North Horizon Lane, within Section 36, Township 17 North, Range 8 East, Commission District 2**

CHAIR STEFANICS: I'd like to let everybody know that on this first case we will be using an interpreter, and when you use an interpreter – I've been provided some guidelines that I'd like to go through. And these are not guidelines I've made up; these are guidelines from the interpreter and we're very happy to see Mr. Adelo here. When you speak at a hearing through an interpreter please speak slowly, speak clearly, use plain language, give the interpreter enough time to express what you said, avoid using highly technical terms, avoid using initials in English, use plain terms, use clear, precise terms, speak loud enough to be heard by the interpreter and other officials in the hearing, use terms that will be understood by an ordinary person, particularly if the defendant is from a foreign country. If you speak to a defendant do not try to scare him or her using frightening terms. To ask the defendant what happened use plain language. The judge – in this case it's the Board of County Commissioners – determines the results that occurred to the defendant.

Okay, so Mr. Dalton, I believe you have this first case. No, I see Mr. Lovato.

COMMISSIONER VIGIL: Madam Chair, may I clarify something? We're not dealing with a defendant; we're dealing with an applicant.

CHAIR STEFANICS: That's right. I'm sorry. With an applicant. Right.

JOHN LOVATO (Building & Development Services): Thank you, Madam Chair, Commissioners. There is currently a residence on the property. The subject lot was created in 2002 by way of a Small Lot Family Transfer, and was intended to be a gift from a grandparent, parent or legal guardian to his or her natural or adopted child or grandchild or legal ward. However, the lots were then sold in 2003 and 2005 to non-family members.

The Applicant states, her daughter is a single 20-year old mother of two children and is having a hard time with high rent which she currently pays on a mobile home space. The Applicant also states she has currently had to take time off work due to an injury and has fallen into debt. The Applicant claims providing her daughter with an affordable place to reside would eliminate the need to lend her daughter money for the high rent space and would help her and her daughter with the financial and health burdens that have set them back.

On June 21, 2012, the CDRC met and acted on this case, the decision of the CDRC was to recommend denial of the Applicant's request by a 6-0 vote. Minutes are attached as Exhibit 1.

Staff Recommendation: Denial of a variance from Article III, §10 (Lot Size Requirements) of the Land Development Code. If the decision of the BCC is to approve the Applicant's request, staff recommends imposition of the following conditions. Madam Chair, may I enter those conditions into the record?

[The conditions are as follows:]

1. Water use shall be restricted to 0.25 acre-feet per year per home. A water meter shall be installed for each residence. Annual water meter readings shall be submitted to the Land Use Administrator by January 1st of each year. Water restrictions shall be recorded in the County Clerk's Office (As per Article III, § 10.2.2 and Ordinance No. 2002-13).
2. The Applicant must obtain a development permit from the Building and Development Services Department for the additional dwelling unit. (As per Article II, § 2).
3. The Applicant shall provide a liquid waste permit from the New Mexico Environment Department with the Development Permit Application (As per Article III, § 2.4.1a.1 (a) (iv)).
4. The placement of additional dwelling units or Division of land is prohibited on the property. (As per Article III, § 10).
5. The Applicant shall comply with all Fire Prevention Division requirements at time of development permit Application (As per 1997 Fire Code and NFPA Life Safety Code).

CHAIR STEFANICS: Okay, so Mr. Adelo, usually what we do at this time is we have the applicants present their case. Thank you very much. So why don't you come up. Please identify your name and your address for the record.

[Duly sworn, Naomi Castillo testified as follows:]

NAOMI CASTILLO: Naomi Castillo, 13-B North Horizon Lane.

CHAIR STEFANICS: Thank you. So what is - you are the applicant?

MS. CASTILLO: My mom.

CHAIR STEFANICS: Okay. So what would you like to say?

MS. CASTILLO: Well, we were asking - first of all I want to thank all of you guys for being here. We are asking if we could - if I could move my mobile home onto her property because I want to continue school and I would have to take off time from work to do that and with the time I work right now I'm barely having enough. I even ask my mom to help me sometimes. And moving over there would help me because she would - because I would pay her less money for rent and I would be able to use that money for

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like other things for my kids. And I would was just hoping you guys could let me move it over there because that would make it a lot easier for me to go to school.

And recently my mom was hurt at work and she missed a lot of days and we got really – well, she got really behind on bills and that way I could help her catch up and catch up on myself. So if you guys could approve [inaudible]

CHAIR STEFANICS: Okay. Thank you very much. Commissioners, before we go to the public hearing do you have any questions for staff? Thank you, ma'am. You can sit down.

COMMISSIONER HOLIAN: I do, Madam Chair.

CHAIR STEFANICS: Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Madam Chair. For this mobile home that's proposed to be on the property, what septic system would it hook into?

MR. LOVATO: Madam Chair, Commissioner Holian, they will be required to go to NMED to obtain a permit.

COMMISSIONER HOLIAN: So you don't know whether they can hook into the existing septic system? They might have to build another septic system?

MR. LOVATO: Madam Chair, Commissioner Holian, that is correct. They will have to build a whole entirely new septic system.

COMMISSIONER HOLIAN: And what about – did you have anything you wanted to add?

MR. LOVATO: Madam Chair, Commissioner Holian, I was just informed by the applicants that they do have an existing septic system suitable for this. However, they'll still be required to update that.

COMMISSIONER HOLIAN: How many people would be living in the mobile home.

MR. LOVATO: Madam Chair, Commissioner Holian, it would be Elia, the daughter and the three children.

COMMISSIONER HOLIAN: And what is the water source?

MR. LOVATO: Madam Chair, Commissioner Holian, it is on a well currently, a shared well.

COMMISSIONER HOLIAN: And my understanding from reading the packet is that there are already four residences that share that well.

MR. LOVATO: Madam Chair, Commissioner Holian, that is correct.

COMMISSIONER HOLIAN: Thank you.

CHAIR STEFANICS: Thank you. Commissioner Vigil.

COMMISSIONER VIGIL: Just the one quick question for staff. I'm trying to decipher on the map, is this located in a subdivision that is named, such as Pinon Hills or adjacent to it?

MR. LOVATO: Madam Chair, it is in the vicinity of Pinon Hills but it is in a private subdivision created by family transfers and what not.

COMMISSIONER VIGIL: Is there a name for this subdivision?

MR. LOVATO: Madam Chair, Commissioner Vigil, there is no name for it.

COMMISSIONER VIGIL: Thank you, Madam Chair.

CHAIR STEFANICS: Thank you. Commissioners, questions for the staff?

Commissioner Mayfield.

COMMISSIONER MAYFIELD: Thank you, Madam Chair. Madam Chair, in Exhibit 7, the site map, the proposed property that's the one that's in the black box?

MR. LOVATO: Madam Chair, Commissioner Mayfield, that is correct.

COMMISSIONER MAYFIELD: So where is the parent's existing home?

MR. LOVATO: Madam Chair, Commissioner Mayfield, it is on that parcel. The 1.24-acre parcel.

COMMISSIONER MAYFIELD: It's just not on that site map that we see right here.

MR. LOVATO: That is correct.

COMMISSIONER MAYFIELD: So where are the four subject properties sharing the well?

MR. LOVATO: Madam Chair, Commissioner Mayfield, I believe it's the 1.24, the one adjacent to that, another 1.24, and the one currently in front where it boundaries North Horizon, and also the last one on the left, I believe.

COMMISSIONER MAYFIELD: And right now there's a shared well agreement on that well?

MR. LOVATO: Madam Chair, Commissioner Mayfield, that is correct.

COMMISSIONER MAYFIELD: And I don't know if we get into this detail but does one of the property owners pay the PNM bill on it?

MR. LOVATO: Madam Chair, Commissioner Mayfield, usually in an agreement they all pitch in and they all pay their share part and any maintenance that needs to be done they all as well they pay into that.

COMMISSIONER MAYFIELD: So if this Commission decides to approve this case now we'll go to a one fifth sharing agreement?

MR. LOVATO: Madam Chair, Commissioner Mayfield, that is correct.

COMMISSIONER MAYFIELD: Okay, and just -

CHAIR STEFANICS: On that point, is not that decision about how to divide costs and bills left to the homeowners?

MR. LOVATO: Madam Chair, that is correct. It would go on all of them and typically they would have to - they would pay their share and probably they would have to pay more but -

CHAIR STEFANICS: They would work it out.

MR. LOVATO: Right. Correct.

CHAIR STEFANICS: We would not dictate to them.

MR. LOVATO: That is correct.

CHAIR STEFANICS: Thank you. Sorry. Commissioner Mayfield, you have the floor.

COMMISSIONER MAYFIELD: And I know I read it somewhere. I don't think it was an email to me. I think it was the staff CDRC case notes, but one of the neighbors, not so much they were opposed with this transfer but they were concerned with the shared well agreement. Am I right that I read that somewhere?

MR. LOVATO: Madam Chair, Commissioner Mayfield, there was and it's in the minutes.

COMMISSIONER MAYFIELD: Okay. And has that concern by that

individual been addressed?

MR. LOVATO: Madam Chair, Commissioner Mayfield, I'm not sure if he's here in the audience tonight but as far as I know he hasn't come forward, he hasn't come into the office to further ask questions about that.

COMMISSIONER MAYFIELD: Okay. And again, just for my clarification, the subject property site, the 1.24 acres, that's what they're asking to split down even further. Correct?

MR. LOVATO: Madam Chair, Commissioner Mayfield, they're not asking to split it. They're asking to place a second dwelling.

COMMISSIONER MAYFIELD: Okay. And Madam Chair, I'm just going to ask this question and I know our attorney is out of the room right now but I'm going to ask it anyway. What we went through, the exercise we went through this morning as far as the new Land Use Code, there's arguably a proposal to allow one additional structure on a home. Are you familiar with that? Maybe we could ask Mr. Ross to come in.

VICKI LUCERO (Building & Development Services): Madam Chair, Commissioner Mayfield, that's correct. There is a provision to allow a second dwelling unit on a [inaudible] property.

COMMISSIONER MAYFIELD: So aside from this case tonight, acting on the current code we have in front of us, if that approval from the Land Use Code meets approval by this Commission at any time in the near future this would be a non-issue for us, right? This would be approved?

MS. LUCERO: If that provision of the code is approved by the BCC then yes, they would be in compliance with the new SLDC.

COMMISSIONER MAYFIELD: Okay. Thank you. That's all the questions I had, Madam Chair.

COMMISSIONER HOLIAN: Madam Chair, on that particular point.

CHAIR STEFANICS: On that point slowly.

COMMISSIONER HOLIAN: Okay. Because I asked our Land Use staff specifically about family compounds and the way that it's written in the code is that it could not be a mobile home. It could be a structured building that was in keeping stylistically with the home that's already on the property.

CHAIR STEFANICS: Commissioner Vigil, did you have something on this point? Okay. So let's finish this point. Mr. Ross, the question was asked whether the new code and the section in the code that deals with accessory structures would meet compliance in this case, because they want to move a mobile home for a family to live in it on the same property, not subdivide. Commissioner Holian's comment was that it was a mobile home and that the code language indicated that the accessory structure had to meet the style of the original home. Could you comment on that?

MR. ROSS: Madam Chair, I just talked to Penny and she says it does say that.

CHAIR STEFANICS: So I guess on this point now, is the original home that's there, is it a mobile home?

MR. LOVATO: Madam Chair, it's not a mobile home.

CHAIR STEFANICS: Okay. Thank you. So now did you finish, Commissioner Mayfield?

COMMISSIONER MAYFIELD: I'd just like to address that point in the code later. Thank you.

CHAIR STEFANICS: So Commissioner Vigil, questions for staff.

COMMISSIONER VIGIL: Yes, a staff question. John or Vicki, we have a plan called Tres Arroyos Plan that included this area. Is this a part of that plan? And if so, does this meet within the plan documents? And I don't need the answer right now if it needs to be researched but I do remember participating in the Tres Arroyos plan and did adopt that plan and that plan did include properties north of 599. I think that would be an authorizing document for this decision too, so Vicki, do you recall that plan?

MS. LUCERO: Madam Chair, Commissioner Vigil, I do and I believe that this particular property does lie within the TAP plan. Although the TAP plan doesn't address densities. It reverts back to the Land Development Code as far as densities go.

COMMISSIONER VIGIL: Okay. Does it address mobile homes?

MS. LUCERO: Madam Chair, I don't believe it does.

COMMISSIONER VIGIL: Okay.

CHAIR STEFANICS: Okay. So any questions for staff? Commissioner Anaya.

COMMISSIONER ANAYA: I'll wait until after the public input.

CHAIR STEFANICS: Okay. Thank you very much. We'll come back to you in a few minutes. We are now in a public hearing which means anyone in the public who would like to speak for or against this project is invited to come to the front. Is there anybody here on this case who would like to speak? Is there anybody here who would like to speak on this case? Come forward. And is this in Spanish or in English?

[Duly sworn, Alejandro Munoz testified as follows:]

ALEJANDRO MUNOZ: Alejandro Munoz.

CHAIR STEFANICS: And your address?

MR. MUNOZ: It's 13B North Horizon Lane. And I would also - well, first of all, thank you for your time. I also wanted to say that we are respectful and if you guys do accept where we're going to locate it we'll make it so the closest neighbors are located on what part of the property it's located. So we won't put it in front of anybody's home or something. So I just wanted to add that.

CHAIR STEFANICS: Thank you very much. Is there anybody else from the public? This public hearing is closed. We are now back to the Commissioners' questions and comments. Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, a couple questions. I might have more. But I'm looking at - I see the vote of the CDRC but I don't see the minutes of the CDRC in my packet. Maybe I'm just missing something. We usually have the minutes of the CDRC.

MR. LOVATO: Madam Chair, Commissioner Anaya, that's as Exhibit 1.

CHAIR STEFANICS: Exhibit 1. It's just a one-page front and back.

COMMISSIONER ANAYA: So, Madam Chair, I'm looking at it here. Was there - it doesn't reflect that there was any objection from the neighborhood to this case. Was there at the meeting? It doesn't show it and I don't see any other letters from anyone else objecting? Was there any?

MR. LOVATO: Madam Chair, Commissioner Anaya, there was a

gentleman who came in and he was [inaudible]. He wasn't particularly opposed to it but he was opposed to the shared well.

COMMISSIONER ANAYA: And so I want to speak, and I'm sorry. I'll try and speak slowly. But I want to speak to something that was said earlier. Steve, Mr. Ross, Commissioner Mayfield brought up a provision on accessory structures and the type of structure. Could we get into any fair housing issues associated with saying that you can have a regular structure but not a mobile home structure? I shouldn't say regular. In my mind a home is a home is a home. Theoretically, actually not theoretically, functionally, you could make a manufactured or modular structure to meet the aesthetic appearance of any structure, couldn't you? Wouldn't you agree? Could you comment on that?

MR. ROSS: Madam Chair, Commissioner Anaya, it doesn't describe putting the mobile home on as an accessory structure. It just says that the mobile home would have to be - certainly if it were a mobile home it would have to maintain the same architectural design style and character. I just looked at a picture of the home and it's stuccoed so it's possible to take a mobile home and stucco it. People do it all the time, to be in more character with the principal dwelling unit. And that would comply with this.

COMMISSIONER ANAYA: And I would agree with that. And let me just ask a question relative to the sale. This was a lot created from a small family transfer. How long was it held before it was sold?

COMMISSIONER VIGIL: One year, correct? I think it was reduced in 2002 and in 2003 it got sold. That's part of our notes.

MS. ELLIS-GREEN: Madam Chair, Commissioner Anaya, on page 2 of your report it states it was created in 2002 by way of a small-lot family transfer and both of the lots were sold in 2003 and 2005.

COMMISSIONER ANAYA: Okay. Madam Chair - and the reason I'm bringing this up is because I do think in our code, I'm a supporter of family transfers but I do think in our code -and I'm just representing my own perspective, that we do need to put time limitations on some of those. That's just my individual perspective. But that being said, this proposal is not splitting the lot any further, to restate it, it's another structure on an existing lot, but not splitting the lot any further. Correct?

MS. ELLIS-GREEN: Madam Chair, Commissioner Anaya, that's correct.

COMMISSIONER ANAYA: Madam Chair, Ms. Ellis-Green, one other question. If someone wanted to add on to an existing structure - what's the size of the existing structure again?

MS. ELLIS-GREEN: Madam Chair, Commissioner Anaya, I'm not sure of the size but they would not be prohibited from adding on an additional bedroom, bathroom, living area. They couldn't have two kitchens but they certainly could add on an additional den or family room and bedrooms, bathrooms. We don't limit the size of a house to say you can only have three bedrooms or four bedrooms. They could have a six-bedroom house.

CHAIR STEFANICS: Mr. Lovato, do you know the size of the house?

MR. LOVATO: Madam Chair, Commissioner Anaya, that is 2,400 square feet.

CHAIR STEFANICS: And do you know the size of the mobile home? Because in the code an accessory structure has to be below a certain amount.

COMMISSIONER ANAYA: And when we're done with that, in the discussion phases.

MR. LOVATO: Madam Chair, Commissioner Anaya, Commissioners, they're not sure of the size of the mobile home. They're saying it's small. A single-wide, I believe.

CHAIR STEFANICS: You have the floor, Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, Ms. Ellis-Green, what is the draft limitation on size the chair refers to?

MS. ELLIS-GREEN: Madam Chair, Commissioner Anaya, it is 50 percent of the building's footprint of the principal residence or 1,200 square feet.

COMMISSIONER ANAYA: Okay. Madam Chair, I don't have any more questions right now.

CHAIR STEFANICS: Thank you. Any other questions or comments from the Commission? If not, what's the pleasure of the Commission? Commissioner Vigil.

COMMISSIONER VIGIL: I move that we approve this with these conditions: That the mobile home be stuccoed in some color and fashion and complimentary way to the home and that a pitched roof be placed on it. And that – of course the standard conditions for water and everything that's already been a part of the record. But I would – that's my motion and then I do have some comments.

COMMISSIONER ANAYA: Second.

CHAIR STEFANICS: A motion and a second. And the motion is approval with the staff conditions and to stucco the mobile home and to put a pitched roof on it.

COMMISSIONER VIGIL: Madam Chair, I'm sorry. No other units can be placed in this lot.

CHAIR STEFANICS: And no other units can be placed in this lot.

COMMISSIONER VIGIL: And all the other staff conditions.

COMMISSIONER ANAYA: Madam Chair.

CHAIR STEFANICS: Yes.

COMMISSIONER ANAYA: Madam Chair, would the maker of the motion accept an additional condition that the lot could never be split?

COMMISSIONER VIGIL: I just said that.

COMMISSIONER ANAYA: Okay. Then I second it.

CHAIR STEFANICS: And the lot could never be split. Okay. So is there any further discussion or questions?

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

[For further discussion on the water conditions see below.]

- XVII. A. 2. CDRC Case # V 12-5090 Lawrence Maes Variance. Lawrence Maes, Applicant, Requests a Variance of Article III, Section 10 (Lot Size Requirements) of the Land Development Code to Allow Three Dwelling Units on 10.21 Acres. The Property is Located at 85A County Road 44, within Section 31, Township 15 North,**

Range 9 East, Commission District 5

COMMISSIONER ANAYA: Madam Chair.

CHAIR STEFANICS: Yes.

COMMISSIONER ANAYA: Could I ask a question just for clarification on the condition on the previous case? Because I think it will come up again on future cases.

CHAIR STEFANICS: Yes.

COMMISSIONER ANAYA: The concern with Mr. Ortiz should not be a concern because Mr. Ortiz can only use the amount of water which was approved on his lot. Correct? Each lot on the shared – let me restate that, because I want to be clear on this. This is important. Each lot is restricted by water use. Correct? Is there anything in our approval that – they only had the amount of water they had for the initial split, is what I'm saying.

MS. ELLIS-GREEN: Madam Chair, Commissioners, no. The condition states that water use will be restricted to a quarter acre-foot per home. When the lot was created the entire lot just had a quarter acre-foot restriction on it. So that is more, because there would be two homes. So that would be a half acre-foot.

COMMISSIONER ANAYA: So let me ask this question. The State Engineer when they issued the permit – we're not in conflict – what I want to make sure is we usually clamp down on the requirement for what use, so I just want to clarify that we're not in conflict with what the State Engineer had approved. We're still below what the State Engineer approved. Mr. Ross?

MR. ROSS: Madam Chair, Commissioner Anaya, all these wells are three acre-foot wells.

COMMISSIONER ANAYA: Thank you, Madam Chair. That's also an item we might want to take some more analysis at as we go through the new code. Thank you for the clarification.

CHAIR STEFANICS: Thank you. So on to CDRC Case #V 12-5090. Mr. Dalton is on this case.

WAYNE DALTON (Building & Development Services Supervisor): Thank you, Madam Chair. Lawrence Maes, applicant, requests a variance of Article III, Section 10, Lot Size Requirements of the Land Development Code to allow three dwelling units on 10.21 acres. The property is located at 85A County Road 44, within Section 31, Township 15 North, Range 9 East, Commission District 5.

The subject lot was created in 1976 and is recognized as a legal non-conforming lot. There are currently two dwelling units on the property and an accessory structure. Currently one dwelling is occupied by the applicant and the other is occupied by one of the applicant's daughters and grandson. The need for the third dwelling is to house his other daughter and her family. The applicant has submitted aerial photos of the property which does show that multiple structures were located on the property in 1981 and all they up to the time the applicant purchased the property in 1989. However, only two dwelling units have been on the property since 1989 and any claim to non-conforming use has been lost for any additional dwellings that existing in 1981. The property also contains two

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uninhabitable mobile homes in addition to the existing dwellings. The Applicant intends to remove the uninhabitable mobile structures from the property.

The Applicant states, as a result of a physical and mental trauma that accompanied an accident as well as other medical conditions suffered by his daughter and family, a variance is needed. The Applicant further states his daughter's family passes the scene of the accident that took the life of their grandmother and that is traumatizing. His son-in-law and grandchildren suffer physically and mentally and also suffer with PTSD, post-trauma stress disorder. The youngest child suffered a brain injury and has been diagnosed with ADD, attention deficit disorder, as a result of the accident.

Staff recommendation: Denial of a variance from Article III, §10, Lot Size Requirements, of the Land Development Code. If the decision of the BCC is to recommend approval of the Applicant's request, staff recommends imposition of the following conditions. Madam Chair, may I enter those into the record?

[The conditions are as follows:]

1. Water use shall be restricted to 0.25 acre-feet per year per home. A water meter shall be installed for each residence. Annual water meter readings shall be submitted to the Land Use Administrator by January 1st of each year. Water restrictions shall be recorded in the County Clerk's Office (As per Article III, § 10.2.2 and Ordinance No. 2002-13).
2. The Applicant must obtain a development permit from the Building and Development Services Department for the additional dwelling unit. (As per Article II, § 2).
3. The Applicant shall provide an updated liquid waste permit from the New Mexico Environment Department with Development Permit Application (As per Article III, § 2.4.1a.1 (a) (iv)).
4. The placement of additional dwelling units on the property is prohibited. The two uninhabited mobile homes on the property must be removed prior to building permit (As per Article III, § 10).
5. The Applicant shall comply with all Fire Prevention Division requirements at time of development permit application (As per 1997 Fire Code and NFPA Life Safety Code).

CHAIR STEFANICS: So questions for staff. First of all, CDRC met on June 21st and recommended approval. Is that correct?

MR. DALTON: Madam Chair, that is correct.

CHAIR STEFANICS: And staff are recommending denial based upon strict meaning of our code.

MR. DALTON: Madam Chair, that's correct.

CHAIR STEFANICS: Thank you. Other questions from Commissioners for staff before we go to public hearing or hear from the applicant? Yes, Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, this is maybe more of a procedural background for me. This case was in front of us a couple weeks ago and I believe it was tabled.

MR. DALTON: Madam Chair, Commissioner Mayfield, that is correct.

This case was tabled due to insufficient noticing.

COMMISSIONER MAYFIELD: Okay. Thank you. And then Madam Chair, I had an opportunity to speak with Deputy Manager Penny Ellis-Green, but one thing that just struck my interest was something that was said in the minutes of the CDRC case. So I'm on Exhibit 1, page 7, and I just want Ms. Ellis-Green to have the opportunity to just respond to what was written in those minutes, and I'll put it hopefully all in context. Member Anaya – CDRC Member Anaya – asked whether the new code had variance provisions for financial or medical situations. Mr. Dalton said no. Interim Land Use Administrator Ellis-Green said density-wise the new code will not differ from the existing code. She said the medical and/or financial hardships are not grounds for a variance.

My question a little earlier was we haven't made that decision as a Board yet, if density-wise the new code will differ from the existing code. At least I don't believe we've made that determination.

MS. ELLIS-GREEN: Madam Chair, Commissioners, that's correct. That was basically explaining the first question and it was related to the new code would not have provisions for a medical or financial hardship, because by state law you can't do that.

COMMISSIONER MAYFIELD: Okay. And a follow-up question and I don't know how to state this but we get a lot of information with medical issues given to us and given to our Land Use. Now, I hear that that's not a reason, grounds for a variance. I guess it's the applicant's position if they want to disclose or share that information from us, but I guess – and I am looking at a new code. I would just hope in the future, again it's the applicant's choice but maybe that information could be pink-sheeted if it's given to us. Because I do think – again, they're the ones disclosing it, so I don't think there's any HIPAA violations there, but I just worry that worry that we're getting that type of information that's now on a public record.

MS. ELLIS-GREEN: Madam Chair, Commissioners, we can retract that in the future and delete that.

CHAIR STEFANICS: On this point though, if an applicant is choosing to identify specific medical issues, why would we retract that?

MR. ROSS: Madam Chair, under HIPAA you need a specific kind of disclosure in order to actually agree that your medical records and your medical conditions should be revealed to others, and this is not it. So unless we get a HIPAA compliant release we shouldn't put this stuff in the book.

CHAIR STEFANICS: If an applicant shares with somebody, I have cancer, which people do every day. Would you walk in my cancer walk with me? That's public information. It's when an individual self-identifies, that is outside of HIPAA.

MR. ROSS: Well, I don't know. I don't know. I'm not sure that there's enough disclosure in this case in a land use case, on the part of the applicant to meet HIPAA requirements. So first of all, it's not relevant. The statute doesn't permit medical hardships to be granted. Second of all here we are putting it in the books for everyone to see and we probably shouldn't do that. And there's the HIPAA concern.

CHAIR STEFANICS: So, I'm sorry, Commissioner, on this point then, Land Use needs to provide written guidance to an applicant to not self-identify or identify any medical issues.

COMMISSIONER MAYFIELD: Madam Chair, on that point, or unless

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they disclose the HIPAA, if they sign that HIPAA form, right.

MR. ROSS: Right. HIPAA compliant release. Right. But because the statute doesn't permit granting a variance on those grounds it's hard to imagine why would accept that kind of information in the first place.

CHAIR STEFANICS: Commissioner Mayfield, you have the floor.

COMMISSIONER MAYFIELD: Madam Chair, thank you. I appreciate the dialogue we just had. [inaudible] Thank you. Those are all the questions I had. Thank you.

CHAIR STEFANICS: Thank you. Any other questions for staff before we go to public hearing? Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Madam Chair. So Wayne, how many people would be living in the third home?

MR. DALTON: Madam Chair, Commissioner Holian, I believe it's the applicant's daughter, her boyfriend, and three children? Husband and three children. Two children. So four people.

COMMISSIONER HOLIAN: And what is the water source?

MR. DALTON: It's a domestic well.

COMMISSIONER HOLIAN: And do you know what kind of a capacity that well has?

MR. DALTON: I don't have any documentation on the well, Madam Chair, Commissioner Holian. I don't have any documentation on the well but it is a pre-code lot and it does not have any water restrictions on it.

COMMISSIONER HOLIAN: So in principle, they could be using three acre-feet now, correct?

MR. DALTON: Madam Chair, Commissioner Holian, that could be. Yes.

COMMISSIONER HOLIAN: Thank you, Wayne.

CHAIR STEFANICS: Thank you. Is the applicant present? Would you like to come forward please? So let's have you sworn in and then we can have you introduce yourself.

[Duly sworn, Lawrence Maes testified as follows:]

LAWRENCE MAES: Thank you, Madam Chair, Commissioners for your consideration of this matter. I am the owner, Lawrence Maes, 85A-B, Southfork, Silverado. We've been out there 24 years. Our water, we've never had a problem with it. We get five to seven gallons a minute and we've never run dry. We've been very careful about our water usage. We don't have very many - we only have a couple of fruit trees that we water. The rest are all native trees, Russian olive and pinon trees. We're real conservative about the water usage out there. We're real careful about it. We know how precious water is.

All of our surrounding neighbors have remarked on the upkeep, the maintenance and the improvement on our properties. Our first mobile home that we lived in is the one that my daughter and my grandson live in. That's been on there since 1989. The one that my wife and I live in, we have - both homes are on permanent foundations. We stuccoed one of them and put pro-panel on the home that we live in and people have remarked that it doesn't look like a double-wide. It looks like a house. And we had intended to do the same thing to the single-wide, put pro-panels to match so that it doesn't look like a mobile home.

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And then my daughter, all the trauma that her family and my grandson has been through. We're asking that under a hardship condition that we would be allowed to put a third mobile home on there because her MS is not going to get any better; it's only going to get worse. This way our family could help each other. We aren't having to rely on the County for help as far as Section 8 housing or – we've never asked – we've been married 42 years, my wife and I and we've never asked for any help from social services or food stamps or anything like that. We've always tried to help our kids to maintain for themselves and to help each other and that's kind of what we were hoping to do at this point in time.

CHAIR STEFANICS: Thank you. Would you like to say anything?

[Previously sworn, Anna Marie Maes Hernandez testified as follows:]

ANNA MARIE MAES HERNANDEZ: My name is Anna Marie Maes Hernandez. I'm his daughter. And I know it doesn't really make a difference to talk about my condition, but I was diagnosed having a brain tumor in November 2010 and diagnosed with MS in 2011. And my children, as you read in the minutes. They were in a car accident in April of 2011 and both my children and my husband received traumatic brain injuries from the car accident. It was a gang-involved shooting. My kids, husband and grandmother were just in the wrong place and that wrong time. And my grandmother was killed in the accident.

So my kids have basically have suffered and so has my husband. So us moving from the location where the accident happened – it happened right outside our home – would be a very big help to get out of the situation we're living in now.

My children's brain injuries are ADD. The post-traumatic stress disorder and everything that they have endured in the last 16, 17 months has been severe. So I know that this doesn't really make any difference as far as the way that statute is written, stuff like that, but I really want you to take into consideration the help that it would help us getting into a place that would be stable for my kids and help them with their injuries. My children and my youngest son, he was three, he had both legs broken; he had a brain fracture. He was in a coma. They medivaced him from Santa Fe to UNM Hospital. It was all over the news. It was on the front page of the *New Mexican*. You probably remember hearing about it. It was pretty severe.

And my condition, like my dad, said, my condition is not going to get better; it's actually going to get worse. So if you can consider all that my family's been through and what they're going to continue to go through with my decline I'd really appreciate it.

CHAIR STEFANICS: Thank you very much. Why don't you have seats up here in the front in case there's questions later. We are now in the public hearing process. Is there anyone in the audience who is here to speak in favor of or against this request for a variance? Seeing no one, t this public hearing is closed. Commissioners? Commissioner Vigil.

COMMISSIONER VIGIL: I just have one question. It probably should go to staff or perhaps the applicant can answer it, because I saw one of the conditions, if we approve this they have to remove the mobile homes that are vacant there. Wayne, are there junked vehicles? And I say junked only from a code perspective, not in a judgment way? Are there?

MR. DALTON: Madam Chair, Commissioner Vigil, aside from the

uninhabitable mobile homes, this property is in excellent condition.

COMMISSIONER ANAYA: Okay. So all the vehicles that are a part of this photo are not junked. I see four of them. Five of them, actually. It's the last photo, on page 22.

MR. MAES: All these are running. These are my grandson's. They're all running, every single one of them. None of them are junk.

MR. DALTON: Madam Chair, Commissioner Vigil, according to the applicant all those vehicles are operable.

COMMISSIONER VIGIL: Okay. Thank you.

CHAIR STEFANICS: Thank you. Other questions, comments? What's the pleasure of the Commission?

COMMISSIONER ANAYA: Madam Chair.

CHAIR STEFANICS: Yes.

COMMISSIONER ANAYA: Move for approval.

CHAIR STEFANICS: I will second.

COMMISSIONER HOLIAN: With staff conditions?

COMMISSIONER ANAYA: Yes, ma'am. With staff conditions.

CHAIR STEFANICS: Further discussion?

COMMISSIONER ANAYA: Madam Chair.

CHAIR STEFANICS: Yes.

COMMISSIONER ANAYA: After we vote I'll have a comment.

CHAIR STEFANICS: Okay. There is a motion and a second to approve with all of the staff conditions.

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

CHAIR STEFANICS: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, a question. There's a couple cases that I'm familiar with that I mentioned to staff a few moments ago, historically on the Commission going back to previous Commissions. I don't believe that any of these Commissioners were part of some of those decisions. But if we – like in this case we grant this variance, and we did, and it's taken to court. Not this one by any variance. Because we've had variances that have been taken to court in proximity as a matter of fact to this general subdivision area. And there's actually been some cases that over time throughout the county that have been overturned. Is there any mechanism – or maybe we should as we're discussing these with potential applicants, is there any disclosure of that type of information that we could or should provide to applicants?

I don't – I support it. That's why I made the motion. I supported this variance but I also know of situations where things have been overturned. And I'm thinking that we should probably, as a County, if we are aware of those. I mean, we can't go back in perpetuity and look at every case. But if we're aware, should there be some type of disclosure or what? How would we handle that? I just – things aren't – just because this body approves something like this it allows it to go forward but it doesn't mean that it can't be appealed and in fact decisions that this body has made have been appealed and I'm just trying to figure out, is there, Steve, anything that we have that we could have that we could inform? What's your

thoughts on it? It's making me think about a couple families in particular that had kind of similar situations or similar hardship and I would say unfortunately their cases were overturned. What are your thoughts?

MR. ROSS: Madam Chair, Commissioner Anaya, well, I share your concerns. When a case is appealed to District Court it can be very expensive and create years of uncertainty on an applicant. So I know that staff does work with the applicants and let them know that staff is going to not support the application like in a case like this because in this case it appears to be for medical reasons and we all know that under state law, under our statutes, that it has to be unreasonable hardship based on a condition existing on the land irrespective of somebody's personal, financial or medical conditions. So that obviously opens up the possibility that somebody aggrieved in the neighborhood could appeal and hold this thing up for literally years while he and the applicant go through that complex court case. So I share your concerns and I'll talk it over to Ms. Green and maybe we can do more disclosure, full disclosure, open disclosure of the consequences of these types of approvals.

On the other hand, appeals are fairly rare. We get maybe two or three a year.

COMMISSIONER ANAYA: And I appreciate the feedback and the dialogue on the record. I personally knew this family and was not an elected official and was not even a staff member here at the County but I remember that it did go through appeal and cost a lot of money and time. But this decision makes practical sense to me but there's always those circumstances that come about. So I just wanted to put that forward.

CHAIR STEFANICS: Thank you very much.

XVII. A. 3. CDRC Case # V 12-5160 Timothy Armijo Variance. Timothy Armijo, Applicant, Requests a Variance of Article III, Section 2.4.1a2.b (Access) of the Land Development Code and a Variance of Article 4, Section 4.2 of Ordinance No. 2008-10 (Flood Damage and Stormwater Management) to Allow a Family Transfer Land Division of 2.26 Acres Into Two 1.13-Acre Lots. The Property is Located at 19 Calle San Ysidro, in the Vicinity of La Puebla, within Section 18, Township 20 North, Range 9 East, Commission District 1

MR. DALTON: Thank you, Madam Chair. Access to the proposed lots would be via Calle San Ysidro, a dirt road crossing a FEMA designated special low-water crossing which may be frequently impassible during inclement weather, and thereby is not all weather accessible.

On July 19, 2012 the CDRC met and acted on this case. The decision of the CDRC was to recommend approval of the applicant's request by a 6-0 vote. Minutes are attached as Exhibit 1.

Recommendation: Due to a previous decision by the Board of County Commissioners for approval of a family transfer land division which accessed the same low water crossing and a proposed amendment to Ordinance No. 2008-10 which would not require all-weather access to properties, staff recommends approval of a variance from

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Article III, § 2.4.1a.2.b, Access, of the Land Development Code and approval of a variance of Article 4, § 4.2 of Ordinance No. 2008-10 (Flood Damage and Stormwater Management) subject to the following conditions. Madam Chair, may I enter those conditions into the record?

1. Water use shall be restricted to 1 acre-foot per year per lot. A water meter shall be installed for each lot. Annual water meter readings shall be submitted to the Land Use Administrator by January 1st of each year. Water restrictions shall be recorded in the County Clerk's Office (As per Article III, § 10.2.2 and Ordinance 2002-13).
2. A Plat of Survey meeting all County Code requirements shall be submitted to the Building and Development Services Department for review and approval (As per Article III, § 2.4.2).
3. The Applicant shall comply with all Fire Prevention Division requirements at time of Plat review (As per 1997 Fire Code and 1997 Life Safety Code).
4. Further division of ether tract is prohibited, this shall be noted on the Plat (As per Article III, § 10).
5. A note must be placed on the Plat regarding the lack of all weather access to the subject lots. This note shall include language as follows: The access to this property does not meet minimum standards set forth by County Ordinance and Code. Site Access, including access by Emergency vehicles, may not be possible at all times (As per Ordinance 2008-10).

CHAIR STEFANICS: Questions for staff? Okay. Let's hear from the applicant please. Come on up. Be sworn in.

[Duly sworn, Timothy Armijo testified as follows:]

TIMOTHY ARMIJO: Timothy Armijo, 19 Calle San Ysidro.

CHAIR STEFANICS: Thank you. So is there anything different you'd like to tell us?

MR. ARMIJO: No. Pretty much we can abide by what the County wants us to do.

CHAIR STEFANICS: Okay. Thank you very much. Let's go to the public hearing. We are now in a public hearing. Is there anyone in the audience that would like to speak in support of or against this request? The public hearing is closed. Commissioner Vigil.

COMMISSIONER VIGIL: Move to approve with staff conditions, Madam Chair.

COMMISSIONER HOLIAN: Second.

CHAIR STEFANICS: There's a motion and a second to approve with the staff conditions. Any further discussion?

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

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR STEFANICS: Yes, Commissioner Mayfield.

COMMISSIONER MAYFIELD: Just a quick clarification point. Is Chief Patty here by any chance? Oh, Chief Sperling's here. I'm sorry. Chief, because this came up in a past case. As a matter of fact it came up when we approved a bed and breakfast in another area of the county. But at the time with the bed and breakfast, if I recall when that case came for us, I just want to make sure there's consistency, and I'm not saying our fire department is not being consistent with the Fire Code you all adopt and make recommendations, but at one time, I think a past case with this issue with the low water crossing came in front of us and they were told that maybe they had to under the new existing construction, they had to put a fire sprinkler system or suppression system and a lot of those things have come up as far as recommendations for staff conditions.

Now, going back to that bed and breakfast case that came from us, it was kind of new to me but there are other aspects to this Fire Code. They said, look, as long as you have an exit door for each room then you don't have to have that fire sprinkler suppression system, if I recall that last case. So when an applicant comes and they're put to restrictions by you all, are they given like a disclosure sheet of, look, as long as you meet any one of these conditions you're okay?

CHIEF SPERLING: Madam Chair, Commissioner, we have a variety of different methods that we will work with with an applicant to try to meet the intent of the Fire Code.

COMMISSIONER MAYFIELD: Sure.

CHIEF SPERLING: And the most straightforward approach is often a fire sprinkler system. Sometimes there's hurdles to get there, but we do strive to be as consistent as we possibly can in the application of the code to meet the intent of the code.

COMMISSIONER MAYFIELD: And I appreciate that, Chief Sperling, but I guess what I'm getting at is, and I'm thinking of a Santa Cruz case that came up in the Santa Cruz River in Chimayo where the mandate of this Commission was to say put a fire sprinkler suppression system in your house. At no time was it said, look, if you have exit doors from each room you don't have to do that. And I just hope that we give – because I'm making an approval based on those conditions, but that we give all those choices to that applicant. They can say, look, we're going to pick A, we're going to pick B, we're going to pick C to comply with the staff condition that's being put. So I'm just throwing that out there. If you guys could explain their options of what they could do.

CHIEF SPERLING: I appreciate that. Thank you.

COMMISSIONER MAYFIELD: Thank you, Chief.

CHAIR STEFANICS: Thank you.

- XVII. A. 4. **BCC Case # MIS 12-5270 Ponderado Estates Subdivision Phase II Time Extension. Judy Ross & Ted Wegner, Applicant's, Request a 24-Month Time Extension of the Previously Approved Preliminary and Final Plat and Development Plan for a 14-Lot Residential Subdivision (Ponderado Estates Phase II) on 39.323 Acres. The Property is Located at the End of Camino Peralta,**

**within Section 30, Township 17 North, Range 9 East,
Commission District 2**

MR. ARCHULETA: Thank you, Madam Chair. On October 10, 2006, the BCC granted preliminary and final plat and development plan approval for Phase 1 of the Ponderado Estates Subdivision to create one lot and preliminary plat and development plan approval for Phase 2 which consisted of the remaining 13 lots within the residential subdivision.

On June 10, 2008 the BCC granted final development plan and plat approval for Phase 2 for the remaining 13 lots as well as a variance to allow driveway access off a minor arterial road for two lots. Article V, Section 5.3.6 of the County Land Development Code states, an approved or conditionally approved preliminary plat shall expire 24 months after its approval or conditional approval. Prior to the expiration of the preliminary plat the subdivider may request from the Board and extension of the preliminary plat for a period of time not exceeding 36 months.

Article V, Section 5.4 of the code states, an approved or conditionally approved final plat approved after July 1, 1996 shall be recorded within 24 months after its approval or conditional approval or the plat shall expire. Upon request by the subdivider an additional period of no more than 36 months may be added to the expiration date by the Board.

The preliminary and final plat and development plan for Ponderado Estates expired on June 10, 2010. On December 13, 2011 the Board of County Commissioners adopted Resolution 2001-193 which found the existence of severe economic conditions and suspended enforcement of specified provisions of Article V of the Land Development Code that concern expiration of master plans, preliminary plats and final plats.

On December 13, 2011 the Board of County Commissioners also adopted Ordinance No. 2011-11 which states, the Board of County Commissioners ("the Board") may suspend provisions of Article V, Section 5.2.7 and 5.3.6 and 5.4.6 of the code upon a finding of economic necessity, which is defined in terms of a score of 100 or less on the Conference Board's Leading Economic Index® for the United States for any quarter and for three years following any such event, and the Board recognizes that these conditions are present and desires to temporarily suspend the enforcement those sections of Article V that set forth expiration of master plans, preliminary plats, and final plats for two years pending an economic recovery.

At the time of plat approval for Phase 2 of the Ponderado Subdivision the Conference Board's Leading Economic Index was 97. As of July of 2012, the LEI was 95.8.

The applicants state that due to the slow economy they have not been able to move forward with the subdivision. Their hope is that the economy will improve within the next couple of years and they will be able to put in the infrastructure and finish the subdivision. Therefore, the applicants are requesting a 24-month time extension that would render the preliminary and final plat and development plan approval valid until September 11, 2014.

Growth Management staff has reviewed this application for compliance with

pertinent code requirements and finds the project is in compliance with County criteria for this type of request. Staff recommends approval of the request for a 24-month time extension of the approved preliminary and final plat and development plan for the Ponderado Estates Subdivision Phase 2. Thank you, Madam Chair.

CHAIR STEFANICS: Thank you. Are there any questions for staff?

COMMISSIONER ANAYA: Madam Chair.

CHAIR STEFANICS: Yes, Commissioner.

COMMISSIONER ANAYA: Madam Chair, we were just handed a letter dated September 4, 2012 from the board of the West Santa Fe Association and a listing of the board members' names is on there, that requests a breakaway gate for emergency rescue access. [Exhibit 6] Could you or Chief Sperling speak to the letter and comment on it?

MR. ARCHULETA: Madam Chair and Commissioner Anaya, this was approved back in 2004 and the applicant has been meeting with the neighborhood and at this time they're not – it's not a requirement to provide that access. Pinon Hills, which is the neighbor, they have access through Penny Lane, which is a new access, and so many – a crossing over Sloman Road was created for this purpose so they wouldn't have to – it's more approved if – I don't know how to say it but Sloman Road was actually improved so that it could be accessed for fire. The arroyo used to run where the Sloman Road property is and the County upgraded that crossing and then they also – the properties adjoining created an access through Penny Lane. So they don't really need this access.

COMMISSIONER ANAYA: So, Madam Chair, Mr. Archuleta, given that they just recently wrote it, where is – why are they uneasy still? Do we reach out and have more discussions with them about the concerns they reference in the letter?

MR. ARCHULETA: Madam Chair, Commissioner Anaya, maybe the applicant can answer that question.

CHAIR STEFANICS: Okay. The issue that Commissioner Anaya is talking about though, in the letter, it says the proposed egress at Penny Lane does not help those trapped in the north of the community and the proposed egress to Suerte del Sur off of northwest Calle Francisca exists on paper only. Do you see that? It's the third paragraph in the letter.

MR. ARCHULETA: Yes.

CHAIR STEFANICS: So what you said does not address all of these concerns.

COMMISSIONER ANAYA: And Madam Chair, if I could –

CHAIR STEFANICS: And we'll go to public hearing so if anybody's here they can speak, but go ahead.

COMMISSIONER ANAYA: Madam Chair, maybe the applicant can address it, because what they're asking for is an emergency gate that's only used in an emergency situation. Historically, it's a locked gate and then it's only used in the event of a fire or need for access. It's not a daily access point. So I don't know if the applicant wants to respond.

MR. ARCHULETA: Madam Chair, Commissioner Anaya, the access that

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they're proposing is off of Via Tranquilo, which is a cul-de-sac that ends at the last two lots. If they were to continue to go to Calle Francisca there would be a lot of – there are slopes that are greater than 15 to 30 percent. So there's a couple of actual crossings that would have to be upgraded. So feasibly, at this point it doesn't make sense for that access to continue.

COMMISSIONER ANAYA: It would be a prohibitive cost.

MR. ARCHULETA: Prohibitive.

COMMISSIONER ANAYA: I got you.

COMMISSIONER MAYFIELD: Madam Chair, on that point.

CHAIR STEFANICS: Yes. Commissioner Mayfield on that point.

COMMISSIONER MAYFIELD: Thank you. Madam Chair, on that point, on the letter that I was reading and what Commissioner Anaya brought up, so – and I'm going to use the acronym, WSFA, the West Santa Fe Association, They are already their own developed neighborhood that this County approved?

MR. ARCHULETA: Madam Chair, Commissioner Mayfield, I'm not sure. I know that they're a recognized body but I don't think that they're an actual –

COMMISSIONER MAYFIELD: Subdivision or neighborhood. Okay. I guess the question I was asking is if that when that was approved and it may not have approval do they want the access gate to work both ways so that the folks out of this new subdivision, the Ponderado Subdivision, can exit through the West Santa Fe Association in case of an emergency? And do they also want it for the West Santa Fe Association in the case of an emergency can exit through the Ponderado Subdivision?

COMMISSIONER VIGIL: Madam Chair, maybe I can help clarify that. The West Santa Fe Association is an association made up of neighborhood associations, including city and county neighborhood associations, so this is their position on it. But it is not a subdevelopment or development per se.

COMMISSIONER MAYFIELD: Okay.

CHAIR STEFANICS: Okay, so Commissioner Mayfield, you still have the floor.

COMMISSIONER MAYFIELD: That's fine. I think that helps and Mr. Dalton is bringing a map, so I don't know if that's going to talk about it.

CHAIR STEFANICS: Okay. So we also haven't heard from the applicant yet, but go ahead and show us whatever you want to show us on this map.

MR. ARCHULETA: This is Camino Tranquilo here and it's a cul-de-sac, and then Pinon Hills Subdivision is over here. Gerald Peters' property is on the north side which would be down here. So Pinon Hills is going to have an access, the northern part of Pinon Hills will have an access through Suerte del Sur and then they'll also have an access off of Penny Lane, which is lower, on the southern part of Pinon Hills. So the people in Pinon Hills are going to have access. They'll have emergency relief, basically.

COMMISSIONER ANAYA: On that point, Madam Chair.

CHAIR STEFANICS: Yes, Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, Mr. Archuleta, does the West

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Santa Fe Association clearly understand the access associated with existing or approved subdivisions you just represented? Did we meet with them and have that clarification or are they potentially unaware of that access?

MR. ARCHULETA: Madam Chair, Commissioner Anaya, I believe that Ms. Ross has met with the different members of the association and I think that she can address that question.

COMMISSIONER ANAYA: Good. Thank you, Madam Chair.

CHAIR STEFANICS: Thank you. Let's here from the – yes, Commissioner Holian for staff.

COMMISSIONER HOLIAN: Thank you, Madam Chair. Vicente, how close is the water utility to this proposed subdivision now? And also wastewater?

MR. ARCHULETA: Madam Chair, Commissioner Holian, I believe the closest water is going to be to the north and that would be closer to the Suerte del Sur Subdivision. I believe there's a couple of smaller subdivisions that are in that area just north of the property that water is – do you know far, approximately? The applicant states that it's approximately 1500 feet to the Suerte property and the Suerte property is going to have community water.

COMMISSIONER HOLIAN: And does the Suerte property have wastewater as well?

CHAIR STEFANICS: Anything that goes on the record has to be spoken into the microphone.

MS. LUCERO: Madam Chair, Commissioner Holian, I believe Suerte does have their own community wastewater system or will have their own community wastewater system.

COMMISSIONER HOLIAN: Okay. Thank you.

CHAIR STEFANICS: Thank you. Let's hear from the applicant please.

[Duly sworn, Judy Ross testified as follows:]

JUDY ROSS: My name is Judy Ross and my address is 444 Rutherford Avenue, in Menlo Park, California.

CHAIR STEFANICS: So are the applicant or the representative?

MS. ROSS: I'm the applicant.

CHAIR STEFANICS: Okay.

MS. ROSS: On behalf of my husband and myself. What I'd like to show you first I think is the map that I have here. I'll pass them out. *[Exhibit 7]* This is the 2005 Metropolitan Planning Organization. It shows the future network for Santa Fe. And the purple area here, which is also shown on the map that you have is Ponderado Estates. So it lies between Suerte del Sur, which is the shaded area, and CR 70. And this dashed area here is Los Sueños Trail extension, which has not been built yet. So Puesta del Sol is to the left and Pinon Hills is to the right. If I bring the map maybe a little closer I can show you what they're asking about.

CHAIR STEFANICS: Okay, except everybody has to see. So you do have to be back so that they can see.

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MS. ROSS: Okay. All right.

COMMISSIONER MAYFIELD: I'm following on my own map.

CHAIR STEFANICS: Okay.

MS. ROSS: Okay. All right. So if you right here it comes in from the west and about bisects horizontally the purple area. That is Via Francesca. And that's where they want the breakaway gate. And our subdivision - if you see this yellow section here, our subdivision has a cul-de-sac here and Via Francesco is over here. So there are 15 and 30 percent gradients here so if this was to be accessed, I'm concerned that people will get stuck because of the gullies and ditches here. And so the only way people travel here is they travel up, they don't travel across. So I would consider putting a gate there but I'm afraid it would exacerbate the situation and give a false sense of security.

Now if we slip back to this map, since we received approval there was an all-weather crossing placed here at Arroyo Trampas at Sloman Lane. And the breakaway gate that goes through Suerte will be somewhere along this area here. And Penny Lane that Vicente was talking about is right here. There are seven Hager parcels here and there is one lot between us and Suerte. And we agreed as a condition of approval that if County water gets within - I don't remember, within so many feet we would go on to County water. So that was a condition of our final approval. So this is kind of the topology that we're talking about here, so I think that explains what they're asking. I just got the letter yesterday so I haven't had a chance to meet with them in person and talk about what the alternatives are.

CHAIR STEFANICS: Okay. Do you have anything else you'd like to add for your application before we go to public hearing?

MS. ROSS: Yes, I wanted to show you the plat itself so you can see the Phase 1, which was platted is this red section here and Phase 2 is one public open space lot and then 12 residential lots. [Exhibit 8] The green area shows the open space, the dark green is the public open space, and the brown areas are the trails. These two trails are designated on the TAP plan.

CHAIR STEFANICS: Thank you. Any questions for the applicant?
Commissioner?

COMMISSIONER MAYFIELD: Well, I'm going to have them for staff.

CHAIR STEFANICS: Okay. Thank you very much to the applicant. We are now in the public hearing process. Is there anyone in the audience here to speak for or against? Come on up. Besides this one gentleman is there anyone who'd like to speak? Okay, if you'd please be sworn in and identify yourself.

[Duly sworn, Ray Leonard testified as follows:]

RAY LEONARD: Ray Leonard, 10 Camino Espejo, representing the Puesta del Sol Subdivision. We are in favor of the development. Judy and Ted have worked very closely with the subdivision and we feel that it is a very worthwhile subdivision. So we're in favor of it.

CHAIR STEFANICS: Thank you very much for coming this evening. Is there anyone else in the public that would like to speak on this case? Thank you. This public hearing is closed. Commissioners, questions, comments, action?

COMMISSIONER VIGIL: Madam Chair.

CHAIR STEFANICS: Commissioner Vigil.

COMMISSIONER VIGIL: Vicente, I'm trying to find how much – what the distance was for the requirement to hook up the water. Can you recall that or can you point me to it?

MR. ARCHULETA: Madam Chair, Commissioner Vigil, I believe it was 200 feet. That's the standard that we were using back in 2006, in April.

COMMISSIONER VIGIL: Okay. I'm just finding the 100-foot discussion. So, okay. Wait a minute. Was that the applicant's understanding? That it was 200 feet?

CHAIR STEFANICS: Could we please find that in the record for the Commission?

MR. ARCHULETA: Madam Chair, that is what they EZ Code required back then, when we were using the EZ Code. It was 200 feet.

CHAIR STEFANICS: Can you find it in the minutes?

MR. ARCHULETA: Not in the minutes. No.

COMMISSIONER VIGIL: So would their conditions of approval on this include what the EZ Code required?

CHAIR STEFANICS: On page 25 Ms. Cobau says I reviewed the meeting minutes. I didn't hear that. I don't think it's that close and the current regulations and the Extraterritorial Subdivision Regs ask that they or require that they connect when they're within 200 feet, Mr. Chair.

COMMISSIONER VIGIL: Okay, Madam Chair. It seems to me that that was a clarification that Ms. Cobau made, but I don't see it as a condition of approval. But I don't think it's a problem to make it so because the applicant herself stated that it was her understanding that they would hook up within a certain amount of feet; we just didn't know what the feet were. Is that correct?

MS. ROSS: Yes. That's correct.

COMMISSIONER VIGIL: Okay. And just for clarification I want to make sure that it is a part of the record that the applicant is required to hook up to a water delivery system if they're within 200 feet.

MS. ELLIS-GREEN: Madam Chair, Commissioners, that is on page 26 at the bottom. Ms. Cobau states, So the condition 20 will be the applicant will agree to connect to County water when it becomes available. Jose just brought a copy of the TAP ordinance in here and I stand correct. The water restrictions are a quarter acre-foot. So that was an additional condition #20. And then at the very end on page 31 there is a motion at the bottom of the page and Chairman Sullivan stated and with the additional condition 20? And that's what was voted on.

COMMISSIONER HOLIAN: On that point.

CHAIR STEFANICS: Yes, Commissioner Holian, on that point.

COMMISSIONER HOLIAN: I'm just wondering whether the water, the County water utility would ever get that close, just looking at the map. Because Suerte del Sur, which seems to be right – the closest proposed development is apparently around 1500

feet away.

COMMISSIONER VIGIL: I guess the question would be how far is the Buckman Direct Diversion in line to this? Do we know?

MR. ARCHULETA: Madam Chair, Commissioner Vigil, no, we don't.

COMMISSIONER VIGIL: I'm sorry.

MR. ARCHULETA: We don't know how far it is. But when the other subdivisions come in to develop their properties they will be held to the same standard as Ponderado. If they were within 200 feet of the utility they'll have to connect. And then that will bring them closer to Ponderado. And if Ponderado, if it comes up to their property within 200 feet then they will have to connect also.

COMMISSIONER VIGIL: I have no further questions, Madam Chair.

CHAIR STEFANICS: Thank you. Questions, comments? Commissioner Mayfield.

COMMISSIONER MAYFIELD: Thank you, Madam Chair. Madam Chair, for staff, going back to this secondary letter we received from the West Santa Fe Association, in the second paragraph it says, As the County has long acknowledged this is a logical place for such an egress. Has the County made that acknowledgement? Is anybody aware of that acknowledgement?

MR. ARCHULETA: Madam Chair, Commissioner Mayfield, I'm not aware of that.

COMMISSIONER MAYFIELD: Okay. And then I guess two other questions I have, Madam Chair, for Mr. Ross. Would this subdivision, Steve, need to comply with the affordable housing ordinance that was passed and then that we modified? Or was this done well before that ordinance went into place?

MR. ROSS: Madam Chair, Commissioner Mayfield, no. I believe they have an affordable housing agreement.

COMMISSIONER MAYFIELD: So they are going to need to come back and ask for modification of that based on our new -

MR. ROSS: Correct.

COMMISSIONER MAYFIELD: Modification to that, right?

MR. ROSS: Right.

COMMISSIONER MAYFIELD: They're not asking for that. Okay.

MR. ARCHULETA: Madam Chair, Commissioner Mayfield, they do have two affordable lots on this property.

COMMISSIONER MAYFIELD: Okay. Thank you. And then I guess my third question, Steven, Madam Chair. This is for the final plat and development plan, but didn't we pass an ordinance not too long ago that kind of afforded these extensions, arguably automatically because of the economic times?

MR. ROSS: Madam Chair, Commissioner Mayfield, not automatically. They still have to come and ask for an extension.

COMMISSIONER MAYFIELD: Okay. But we did pass an ordinance.

MR. ROSS: Yes.

COMMISSIONER MAYFIELD: To allow for that. Okay. Thank you.

CHAIR STEFANICS: Thank you. Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, understanding the feedback that's taking place, is the applicant willing to have a conversation with the West Santa Fe Association relative to their letter? As I read it, I'm not even seeing that they're asking for infrastructure or a designated road. I don't read it that way at all. I read it as in the case of a wildfire egress point but not necessarily a road or road improvements.

MS. ROSS: Yes, I'm certainly willing to have a discussion with them. My concern was purely the practical aspects of it, since there's a trail there and there's going to be a 15-foot trail there. Can they get anywhere on the trail or is it not developed enough? Are they going to run into the ditch? Because it's a pretty big ditch. So there are practical questions that I was concerned. The worst thing would be for people to think they can get out and kind of falsely be confident about it.

COMMISSIONER ANAYA: Thank you.

CHAIR STEFANICS: Thank you. And what's the --

COMMISSIONER HOLIAN: Madam Chair, I have another question.

CHAIR STEFANICS: Yes, Commissioner Holian.

COMMISSIONER HOLIAN: I guess this is a question for Mr. Ross. If we grant this extension can we change any of the conditions, or does it have to be as is?

MR. ROSS: Madam Chair, Commissioner Holian, I think it would have to be something related to the request. In other words, I don't think it would be fair to change an underlying condition of approval or something like that, given that those are already signed, sealed and delivered several years ago.

COMMISSIONER HOLIAN: Right. For example, changing the condition with regard to the water access.

MR. ROSS: Madam Chair, Commissioner Holian, well, you might explore the options with the applicant who's here to see if there's something that she might even agree to.

COMMISSIONER HOLIAN: Well, Ms. Ross, I would like to ask you whether you would be willing to hook into the County water utility if it's say, was put in for Suerte del Sur?

MS. ROSS: Let me pass out another map and I'll answer your question. *[Exhibit 9]* We are one of the seven properties that are called the Hager properties and we have a road construction and utilities group to build the roads and put in the infrastructure. And so what we do with utilities we do as a group. So I'm certainly amenable to it. We've had discussions with Suerte about putting the pipe in initially, so we're very open to it but we backed off making a commitment to the pipe because Suerte backed off. So I would say yes for me, but I can't speak for the group. So I'm sorry I'm giving you an equivocal answer but that's the reality of seven lot owners doing something together.

COMMISSIONER HOLIAN: I see. Thank you.

COMMISSIONER VIGIL: On that subject, Madam Chair.

CHAIR STEFANICS: Yes, Commissioner Vigil.

COMMISSIONER VIGIL: Does anyone know what the source of water is for Suerte? Did they receive approval for City water or do they have a water association?

MR. ROSS: Madam Chair, Commissioner Vigil, they have a County water service agreement.

COMMISSIONER VIGIL: Okay.

CHAIR STEFANICS: Any other questions, comments? Okay. I will move for the approval of the time extension for this Ponderado Estates Subdivision, Phase 2.

COMMISSIONER VIGIL: Second.

CHAIR STEFANICS: There is a motion and a second. Any further discussion or questions?

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR STEFANICS: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Again, not a condition but I think the applicant was amenable at least to still maybe sit down and talk with the West Santa Fe Association. Maybe there's some misunderstanding and you need to clarify it with them, I would appreciate that. Thank you.

COMMISSIONER ANAYA: Madam Chair, on that point.

CHAIR STEFANICS: On that point.

COMMISSIONER ANAYA: On that point, just relative to some of the comments made about as the County has long acknowledged, if the fire department could be part of that discussion from a strategic planning perspective and maybe Chief or some other staff is aware of – go ahead, ma'am.

MS. ROSS: The County was involved in that and the fire department – not this gentleman. I can't remember his name, and several other staff people looked at it and decided it was not a good location for emergency egress. So the County has been involved. If you guys would like the record of who said what and when I probably can find them for you, if that would alleviate some of your concerns.

COMMISSIONER ANAYA: Madam Chair, I'm sorry. You're name again?

MS. ROSS: Judy Ross.

COMMISSIONER ANAYA: Madam Chair, Ms. Ross, I think that would be helpful and I also think it would be helpful to just maybe have the Chief involved to help allieve some of the concerns associated with the whole area and evacuation and access and egress.

MS. ROSS: And I have a letter from the former Fire Chief so I can forward that to him. Thank you.

CHAIR STEFANICS: Thank you. Other questions, comments? There is a motion and a second for approval of this time extension.

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

XVII. A. 5. CDRC Case # V 12-5250 Carla Cavalier Variance. Carla Cavalier, Applicant, Requests a Variance of Article III, Section

2012/09/11 11:56:23 AM

10 (Lot Size Requirements) of the Land Development Code to Allow a Family Transfer Land Division of 25 Acres Into Three 8.30-Acre Lots. The Property is Located at 25 Sandoval Lane, in the Vicinity of Edgewood, within Section 11, Township 11 North, Range 7 East, Commission District 3

MR. DALTON: Thank you, Madam Chair. There are currently two dwelling units, a garage and workshop on the property. The Applicant's sister resides in one dwelling and the other is vacant. The Applicant intends to divide the property into three tracts; one tract would have two dwelling units and the other two tracts would be vacant. If this Application is approved, the vacant dwelling will have to be removed from Tract 3. Staff can find no evidence of permits for the two dwelling units, garage or workshop.

"The Applicant states her father has owned the property since 1978, and now would like to divide the property equally between his three children in order to provide them with their own parcel of land.

On July 19, 2012 the CDRC met and acted on this case. The decision of the CDRC was to recommend denial of the Applicant's request by a 4-3 vote. Minutes are attached as Exhibit 1.

Staff recommendation: Denial of a variance from Article III, §10 (Lot Size Requirements) of the Land Development Code. If the decision of the BCC is to recommend approval of the Applicant's request, staff recommends imposition of the following conditions. Madam Chair, may I enter those into the record?

[The conditions are as follows:]

1. Water use shall be restricted to 0.25 acre feet per year per lot. A water meter shall be installed for each lot. Annual water meter readings shall be submitted to the Land Use Administrator by January 1st of each year. Water restrictions shall be recorded in the County Clerk's Office (As per Article III, § 10.2.2 and Ordinance No. 2002-13).
2. A Plat of Survey meeting all County Code requirements shall be submitted to the Building and Development Services Department for review and approval.
3. Further division of each tract is prohibited. This shall be noted on the plat. Only one dwelling unit shall be permitted on each lot as per Article III, § 10
4. The Applicant must provide proof of permits or proof that the structures on the property are legal non-conforming. If the Applicant cannot provide proof that the structures are legal, than the Applicant must obtain after-the-fact development permits (As per As per Article II, § 4.5.2b Article II, § 2).
5. The Applicant shall comply with all Fire Prevention Division requirements at time of Plat review. (As per 1997 Fire Code and NFPA Life Safety Code).

CHAIR STEFANICS: Thank you. Are there questions of staff from the Commission?

COMMISSIONER VIGIL: Madam Chair.

CHAIR STEFANICS: Yes.

COMMISSIONER VIGIL: I noticed that part of the conditions of approval

did not require that these tracts not be reduced any more, or am I missing that? Okay. It's condition 3.

MR. DALTON: Yes.

CHAIR STEFANICS: Any other questions to staff? Is the applicant here? Would you like to come up please? Let's get you sworn in.

[Duly sworn, Carla Cavalier testified as follows:]

CARLA CAVALIER: Carla Cavalier, 25 Sandoval Lane.

CHAIR STEFANICS: Great. Thank you. So is there anything you would like to add?

MS. CAVALIER: I'd like to just add that my father has owned the property since 1978 and prior to that his father owned the property, so the property has been in the family for 50-some years, probably a lot longer than that. My father's father passed it down to him and he wanted to pass it down to us, which he on February 16th of this year he warranty deeded it over to us. We started this process and unfortunately on August 19th he passed. So he was not able to see the complete process go through. But we have not at any time in the 50-some years has the property been sold and we have no intentions of selling it. We'd like it to remain in the family and pass it down to the remainder of the family. We are willing to abide by all of the stipulations or conditions or anything that you all impose on us. We do not have any issues with that. Like I said, we do not intend to sell the property and we will be here for many years to come.

CHAIR STEFANICS: So you are indicating that you could accept all the conditions?

MS. CAVALIER: We are willing to accept all the conditions and we are in the process even prior to you imposing the conditions. We are willing to do that as well.

CHAIR STEFANICS: Thank you very much. Questions for the applicant? Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Madam Chair. Would you then agree to another, an additional condition to not sell any of those lots for five years?

MS. CAVALIER: Yes, ma'am. No problem with that at all.

COMMISSIONER HOLIAN: Thank you.

CHAIR STEFANICS: Anything else for the applicant? Okay. Thank you. Why don't you have a seat. This is a public hearing. Is there anybody here to speak in favor of or against this particular application. Anybody want to speak for or against? This public hearing is closed. Comments, questions from the Commission?

COMMISSIONER ANAYA: Madam Chair.

CHAIR STEFANICS: Yes, Commissioner Anaya.

COMMISSIONER ANAYA: I would move for approval with the additional condition that the property, lots not be sold for a term of five years that Commissioner Holian brought up.

COMMISSIONER MAYFIELD: Second, Madam Chair.

CHAIR STEFANICS: Thank you. There's a motion and a second. Any further discussion?

COMMISSIONER VIGIL: I have a question.

CHAIR STEFANICS: Commissioner Vigil.

COMMISSIONER VIGIL: Wayne, with regard to the actual dwellings on

this property. Are they to code?

MR. DALTON: Madam Chair, Commissioner Vigil, according to the pictures, no they are not. There is a picture, page 18, there's a couple of RVs on the property that need to be removed. I've already discussed that with the applicant. Page 19, that is a structure that needs to be demolished and removed from the property.

COMMISSIONER VIGIL: Is that part of the conditions of approval that they comply with all code requirements?

MR. DALTON: Madam Chair, Commissioner Vigil, it's not a condition of approval. If this does get approved tonight I will meet with the applicant onsite and let her know what needs to be removed from the property and permitted on the property.

COMMISSIONER VIGIL: Great. So if there's anything that's not up to code that would be remedied in this process? Or do we need to include that as part of the conditions of approval?

MR. DALTON: Madam Chair, Commissioner Vigil, we can include them as part of the conditions of approval. The only structure that I've seen that may not be up to code would be the picture on page 23, which is the barn or garage structure.

COMMISSIONER VIGIL: And a lot of that code requirement could be removing – taking several trips to a landfill?

MR. DALTON: Madam Chair, Commissioner Vigil, yes, that could be, or to demolish a portion of the structure and permit the portion of the structure that maybe be structurally sound and usable. Because half of that structure to me does not look like it's usable.

COMMISSIONER VIGIL: And also on page 22 there seems to be – is that a gas or butane container?

MR. DALTON: Madam Chair, Commissioner Vigil, yes, that's what it does look like and that structure on page 22 is the structure that's in condition #3 I think it is that needs to be removed.

COMMISSIONER VIGIL: Would the maker of the motion be willing to include a condition that the applicant must comply with all code requirements?

COMMISSIONER ANAYA: Yes, Madam Chair. I guess the comment I would make is that the staff work with the applicant in dealing with those issues, that they don't end up having to demolish everything. I don't think that would be equitable or fair or reasonable. So I would ask staff to work with the applicant on salvaging what they could. I guess just a comment on that. I think that's something that we haven't had a whole lot of discussion on in previous cases and it's something I guess we need to look at always for health and safety reasons and I know you do that on a regular basis in the evaluation of other buildings. So I'm okay with it in that context, Madam Chair, Commissioner Vigil.

COMMISSIONER VIGIL: And I would just say in a lot of cases staff comes forward with that recommendation but it wasn't a part of this, so I'd like to include it.

CHAIR STEFANICS: On that point, I just would assume that we would always have the standard to code as we proceed forward with any projects though. I think it's a requirement that we impose upon others. So we have a motion, we have a second. You had a request for an additional?

COMMISSIONER VIGIL: And the maker of the motion agreed to it. I just wondered if the seconder would also agree?

CHAIR STEFANICS: You agreed, Commissioner Anaya. Did you agree, Commissioner Mayfield?

COMMISSIONER MAYFIELD: Madam Chair, what am I agreeing to?

CHAIR STEFANICS: That the standards meet code. That the future standards meet code as this project proceeds. Is that the intent?

COMMISSIONER VIGIL: Yes.

COMMISSIONER MAYFIELD: But I also heard the motioner ask that staff work with the applicant. I guess my question would be on page 22, my assumption is that that's the actual dwelling unit.

MR. DALTON: Madam Chair, Commissioner Mayfield, yes, that is the abandoned dwelling unit on the property. That will have to be removed.

COMMISSIONER MAYFIELD: Okay. So that's going to have to be going down.

MR. DALTON: Madam Chair, Commissioner Mayfield, that is correct.

COMMISSIONER MAYFIELD: So, Madam Chair, Mr. Dalton, is there an actual house that we have a picture of on this property?

MR. DALTON: Madam Chair, Commissioner Mayfield, there is not a picture of the actual dwelling unit that the applicant's sister resides in. This structure was utilized for the applicant's father.

COMMISSIONER MAYFIELD: And now the structure's abandoned. So, Madam Chair, Mr. Dalton, I'm just going to ask through go back to a couple pages. So the page with the two mobile homes, [inaudible] there's a blue and white mobile and then I guess the shell of an RV next to it, or the shell of a camper trailer.

MR. DALTON: Yes, Madam Chair, Commissioner Mayfield, those are old recreational vehicles that must also be removed from the property.

COMMISSIONER MAYFIELD: So you're asking for those to be removed. Nobody's living in the blue and white trailer.

MR. DALTON: No. Those are actually being used for storage is my understanding.

COMMISSIONER MAYFIELD: Okay, and then on the next page, page 19, I mean it has a 911 rural addressing sign on it, 25-A that I can see from here. Is that a home?

MR. DALTON: Madam Chair, Commissioner Mayfield, that's the abandoned home on the property. That's the same structure as the picture from page 22.

COMMISSIONER MAYFIELD: Okay. So this is what doesn't meet code?

MR. DALTON: Madam Chair, Commissioner Mayfield, right now the two abandoned RVs do not meet code. The structure on page 23 -

COMMISSIONER MAYFIELD: Let's talk about page 19 please.

MR. DALTON: Page 19, right now, that's a dwelling unit. It doesn't meet density because there's already an existing dwelling unit on the property that the applicant's sister residents in.

COMMISSIONER MAYFIELD: Okay. I'm sorry. So there is a dwelling unit then and this is it.

MR. DALTON: That's correct.

COMMISSIONER MAYFIELD: Okay. So that's fine. We're not asking

them to remove that.

MR. DALTON: Madam Chair, Commissioner Mayfield, no.

COMMISSIONER MAYFIELD: Thank you, Mr. Dalton. So then on page 20, the barn?

MR. DALTON: Madam Chair, Commissioner Mayfield, that will have to be permitted, because I can find no record for any permits ever being pulled on this property.

COMMISSIONER MAYFIELD: So they need to come in and ask for a permit on that.

MR. DALTON: That's correct.

COMMISSIONER MAYFIELD: Okay. And then on page 21, I don't know if that's the same barn or corrals, or if that's a different one.

MR. DALTON: Madam Chair, Commissioner Mayfield, that's the same structure.

COMMISSIONER MAYFIELD: Okay. And then on page 23 you're asking them to remove that whole structure.

MR. DALTON: That's correct.

COMMISSIONER MAYFIELD: Madam Chair, let me just ask this question and the applicant may be agreeable to this, but if they can get CID to give them a certificate of occupancy on that or do you already know that won't happen?

MR. DALTON: Madam Chair, Commissioner Mayfield, that is a dwelling unit and if we allow them to keep that on there they would be exceeding density. So that's why the structure needs to be removed from the property.

MS. ELLIS-GREEN: Madam Chair, Commissioners, just a clarification. What they're asking to do is to create three lots, and one of the lots would have an existing house and this abandoned house on it.

CHAIR STEFANICS: So did you hear the clarification from Penny?

COMMISSIONER MAYFIELD: I apologize because I was listening to Commissioner Anaya.

MS. ELLIS-GREEN: Commissioners, what they're asking for is to create three lots and one of the lots would have the house that's being resided in and the abandoned house on it. And therefore what we're stating is that if you create three lots you can only have one house per lot. So that means that the second dwelling unit would have to be removed from the lot that's created.

COMMISSIONER MAYFIELD: But they're just creating another lot, right?

MS. ELLIS-GREEN: They're still going to be creating two additional lots that are vacant. So they could change, I guess, property boundaries and put the existing house on one lot, this house on another lot and one additional vacant lot.

MR. DALTON: Madam Chair, Commissioner Mayfield, the applicant does not chose to adjust any property boundaries. She wants it as is and she's in agreement to remove that dwelling unit.

COMMISSIONER MAYFIELD: Okay. If the applicant's in agreement.

COMMISSIONER ANAYA: Madam Chair.

CHAIR STEFANICS: Yes.

COMMISSIONER ANAYA: On that point.

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CHAIR STEFANICS: Yes.

COMMISSIONER ANAYA: Is the applicant – is there any alternative where it's not a dwelling unit? They may have to tear down part of the shop or part of the barn, but this could be used as a shop if it's not a dwelling unit.

MR. DALTON: Madam Chair, Commissioner Anaya, this structure was originally a mobile home, and the way we look at is once a mobile home, always a mobile home.

COMMISSIONER ANAYA: I don't have any more questions, Madam Chair.

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

COMMISSIONER VIGIL: I just needed clarification if the seconder was in agreement with the –

COMMISSIONER MAYFIELD: Yes.

COMMISSIONER VIGIL: Okay.

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

- XVII. A. 6. **CDRC Case # V 12-5130 Joseph & Anna Garcia Variance. Joseph & Anna Garcia, Applicant's, Request a Variance of Article III, Section 10 (Lot Size Requirements) of the Land Development Code to Allow a Small Lot Family Transfer Land Division of 2.5 Acres Into Two Lots. The Property is Located at 3 Avenida Pita, within Section 10, Township 15 North, Range 10 East, Commission District 4 [Exhibit 10: Fire Marshal's Report]**

MR. DALTON: Thank you, Madam Chair. The subject lot was created on February 11, 1985 under development permit #85-96. There is currently one dwelling unit on the property. The Applicants state they are requesting a variance for many reasons. Their son and daughter-in-law were born and raised in Santa Fe where they received their education. They are both active members of the working community and their son is an active member in the Army National Guard. The Applicants would like to be able to share something that was worked hard for with their son, daughter-in-law and grandchildren. The Applicants further state their son and daughter-in-law pay high rent and live in an unsafe neighborhood and would like his daughter-in-law to live close, so they are looked after while his son is deployed and away on trainings. Furthermore, the Applicants state that they can help with childcare and later on in life will need assistance of their own.

On June 21, 2012 the CDRC met and acted on this case. The decision of the CDRC was tied at three votes to approve and three votes to deny. Under Commission rules of order the application was automatically tabled until the next meeting. Minutes are attached at Exhibit 1.

On July 19, 2012 the CDRC met and acted on this case. The decision of the CDRC was to recommend approval of the applicants' request by a 4-3 vote. Minutes attached as Exhibit 2.

Recommendation: Staff recommends denial of a variance from Article III, Section 10 of the Land Development Code. If the decision of the CDRC is to recommend approval of the Applicant's request, staff recommends imposition of the following conditions. Madam Chair, condition number two really doesn't apply to this case but I do have a condition that should be applied to this case. And that condition should read: [see condition two]

1. Water use shall be restricted to 0.25 acre-feet per year per home. A water meter shall be installed for each residence. Annual water meter readings shall be submitted to the Land Use Administrator by January 1st of each year. Water restrictions shall be recorded in the County Clerk's Office (As per Article III, § 10.2.2 and Ordinance No. 2002-13).
2. The Applicant must obtain a development permit from the Building and Development Services Department for the additional dwelling unit. (As per Article II, § 2).
3. Further division of either tract is prohibited; this shall be noted on the Plat. Only one dwelling unit shall be permitted on each lot (As per Article III, § 10).
4. The Applicant shall comply with all Fire Prevention Division requirements at time of Plat review (As per 1997 Fire Code and NFPA Life Safety Code).
5. All litter, debris and junk vehicles shall be removed from the property prior to Plat recordation (As per Ordinance No. 1993-6 and 1993-11).

CHAIR STEFANICS: Thank you. Is the applicant here? Would you come forward please? Great. Would you be sworn in please?

[Duly sworn, Anna Garcia testified as follows:]

ANNA GARCIA. My name is Anna Garcia and I reside at 3 Avenida Pita.

CHAIR STEFANICS: Thank you. What would you like to add?

MS. GARCIA: I don't really have anything to add. I just would like for you to please accept our request and we are willing to comply with any of the recommendations.

CHAIR STEFANICS: Great. Do either of the family members have anything you'd like to say?

[Previously sworn, Joseph Garcia testified as follows:]

JOSEPH GARCIA: My name is Joseph Garcia, 1299 Zepol Road, Santa Fe, New Mexico, 87504, Space #140. First and foremost I'd like to thank you all for your time and consideration into this variance. As a resident of Santa Fe, New Mexico, I was born and raised here. The property in question is where I was raised. As an active member of this community I pray that you do pass these variances. A lot of times as a military member we're called out to provide certain things for the community and for our country and there's been several times at our house where we currently reside has been broken into, vandalized.

I for one am concerned for the safety of my wife and my children during these times and approving this variance would allow my wife and children to be closer to my family and better taken care of. We are aware of the stipulations that are set in place by the Board of County Commissioners and Land Use and we're more than willing to abide by all

stipulations set forth by the County to ensure compliance with all rules and regulations involved. And again, I just thank you for your time and consideration in this matter.

CHAIR STEFANICS: Thank you very much. Sir, do you want to say anything? No? Okay. Yes, questions for the applicant. Yes, Commissioner Vigil and then Commissioner Holian.

COMMISSIONER VIGIL: I just wanted to ask the applicants if they wouldn't be willing to comply with the condition that this property wouldn't be sold within a five-year period.

MR. GARCIA: Absolutely.

COMMISSIONER VIGIL: I'd like that to be part of the conditions if we go forward with an approval.

MS. GARCIA: Yes, we're willing.

COMMISSIONER VIGIL: Thank you, Ms. Garcia.

CHAIR STEFANICS: Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Madam Chair. Have you considered just putting a second home onto the property and leaving it unsplit?

MR. GARCIA: We have considered it. Unfortunately, at the time financial - I know financial burdens isn't considered and taking into consideration this type of thing, but financial burdens on our part would not enable us to have the funding to be able to build or put an additional home on the existing land. So therefore by subdividing the land it enables us to outright own our own property to be able to make the improvements such as brand new septic tank according to rules and laws and regulations and codes and so on and so forth and that would enable us to do that. Otherwise, we're in the same boat. We have land without the ability to live on it.

COMMISSIONER HOLIAN: So what you're saying is is that you couldn't borrow the money for your improvements if you didn't own the land. Correct?

MR. GARCIA: Exactly.

COMMISSIONER HOLIAN: Okay. Thank you. And then I have a question for Wayne. I noticed that if this were split into two the lot sizes would be way, way less than what the minimum lot size allowed in that area is, which is I believe ten acres, even with a family lot split. I'm wondering if there are other lots in that area that are this size.

MR. DALTON: Madam Chair, Commissioner Holian, if you look at Exhibit 8, lots within this subdivision that was approved back in 1984, most of those lots raise from five acres to 2.5 acres and if you look on the other side of Old Las Vegas Highway there are a few lots in there that are actually an acre and a quarter, which would be the same size that the applicant is proposing. So there are lots in the area that are this size that the applicant has proposed.

COMMISSIONER HOLIAN: Okay. Thank you, Wayne, and I think Ms. Garcia wanted to comment on that.

CHAIR STEFANICS: Okay. Other questions? This is a public hearing. Is there anyone in the audience who is here to speak for or against this particular application? Please come on up. Anybody besides this young woman? Okay. Everybody who's going to speak on this please come on up so you can all be sworn in at once.

[Duly sworn, Lisa Toya testified as follows:]

LISA TOYA: My name is Lisa Toya. I reside at 4 Avenida Pita. I am the

daughter of the applicant. I am in favor of the applicant. My family and I have lived in Santa Fe our entire lives. It would be beneficial for all parties involved. My brother, his wife and his children currently live in a mobile home park that has been proven to be unsafe for the children. The request is a concern for their safety as well as for assistance for our terminally ill parents. My brother and his wife are willing to assist with the upkeep of the property for our parents, the one they reside on as well as for themselves. And they will be close should the need arise.

CHAIR STEFANICS: Thank you very much.

MS. TOYA: Thank you.

CHAIR STEFANICS: Yes, sir.

[Duly sworn, Eddie Rivera testified as follows:]

EDDIE RIVERA: My name is Eddie Rivera. I reside at 2201 Gloriente, Santa Fe, New Mexico, and am asking that you please approve the property transfer. My daughter is the daughter-in-law, and like my son-in-law stated, their home has been broken into several times. Also my grandchildren don't know what it's like to be able to run free and ride their bikes because the amount of traffic, the speed that occurs in the mobile home park they reside in. And if you approve the transfer, the variance, they'll get to enjoy their childhood. So I'm asking you to please approve it. Thank you.

CHAIR STEFANICS: Thank you very much. Is there anyone else in the audience that's here to speak on this case? Thank you. The public hearing is closed. Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I would move for approval with the additional condition that Commissioner Vigil brought up relative to no sale of the lots for a term of five years.

COMMISSIONER MAYFIELD: Second, Madam Chair.

CHAIR STEFANICS: Thank you. There's a motion and a second. Questions, comments? Commissioner Vigil.

COMMISSIONER VIGIL: Madam Chair, we just received the official legal review from the Santa Fe Fire Department [Exhibit 10] I don't know if the applicant has had a chance to see it but I know that part of the conditions of approval were that they comply with the recommendations by the fire department and I'm just wondering if they're still of that position. Were they able to see this, Wayne?

CHAIR STEFANICS: So, Commissioner Vigil, your question is, is the applicant ready to accept these conditions?

COMMISSIONER VIGIL: Yes.

CHAIR STEFANICS: So we need somebody to speak into the record about that.

MS. GARCIA: Yes, we are.

COMMISSIONER VIGIL: Thank you.

CHAIR STEFANICS: Any further questions or comments. There is a motion and a second for approval with the conditions from staff and the fire conditions.

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

XVII. A. 7. CDRC Case # V 12-5150 Victor & Patsy Roybal Land Division /Variance. Victor & Patsy Roybal, Applicants, Request Approval for a Land Division of 1.56 Acres Into Two Lots. This Request Also Includes a Variance of Article III, Section 10 (Lot Size Requirements) of the Land Development Code to Allow Two Dwelling Units on the Proposed 0.80-Acre Lot. The Property is Located at 38 La Joya Road, within the Traditional Community of Glorieta, within Section 2, Township 15 North, Range 11 East, Commission District 4

MR. DALTON: Thank you, Madam Chair. In 1986, the property was divided through Warranty Deed which is not the correct process for creating lots. Staff recognizes this property as a single legal lot of record. There is currently one dwelling unit on the proposed 0.76-acre lot and two dwelling units on the proposed 0.80-acre lot, multiple sheds and a carport on the property.

The mobile home, which is occupied by the Applicants' daughter which is proposed Tract 1-B, was permitted on March 3, 2004 under Permit #04-263. At that time, a site plan and a Plat of Survey were submitted indicating a 1.6-acre parcel with an existing residence, and being that this property is located within the Traditional Community two homes were permitted. No record of permits have been found by staff for the other existing residence on the proposed Tract 1-B or for the existing residence on the proposed Tract 1-A.

The Applicants state the second home is needed for their daughter who currently resides in the home. The Applicants' daughter provides care and assistance for her mother who suffers from multiple medical conditions.

On July 19, 2012 the CDRC met and acted on this case. The decision of the CDRC was to recommend approval of the applicants' request by a 4-2 vote with one abstaining. Minutes attached as Exhibit 1.

Recommendation: Denial of a variance from Article III, Section 10 of the Land Development Code. Staff also recommends the second home be removed from the proposed Tract 1-B in order to process the Land Division Application administratively. If the decision of the BCC is to recommend approval of the Applicants' request for a variance, staff recommends imposition of the following conditions. Madam Chair, may I enter those into the record?

[The conditions are as follows:]

1. Water use shall be restricted to 1 acre-foot per year per lot. A water meter shall be installed for each lot. Annual water meter readings shall be submitted to the Land Use Administrator by January 1st of each year. Water restrictions shall be recorded in the County Clerk's Office.
2. A Plat of Survey meeting all County Code requirements shall be submitted to the Building and Development Services Department for review and approval (As per Article III, § 2.4.2.)
3. The Applicants shall provide an updated liquid waste permit from the New Mexico Environment Department with Development Permit Application (As per Article III, §

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- 2.4.1a.1(a) (iv).
4. The Applicant must provide proof of permits or proof that the structures on the property are legal non-conforming. If the Applicant cannot provide proof that the structures are legal, than the Applicant must obtain After the Fact development permits (As per As per Article II, § 4.5.2b Article II, § 2).
 5. The placement of additional dwelling units or Division of land is prohibited on the property (As Per Article III, Section 10).
 6. The Applicants shall comply with all Fire Prevention Division requirements at time of Plat review (As per 1997 Fire Code and 1997 Life Safety Code).

CHAIR STEFANICS: Are there questions of staff before we go to the applicant? Okay. Is the applicant here? Will you come up please? Please be sworn in.

[Duly sworn, Patsy and Victor Roybal testified as follows:]

PATSY ROYBAL: Patsy Roybal, 38-A, Glorieta.

VICTOR ROYBAL: Victor Roybal, 38-A Glorieta.

CHAIR STEFANICS: Welcome. Do you have anything you want to add to the application?

MS. ROYBAL: I just want to say thank you for being here this evening and I just also want to include that my daughter has lived there eight years and she has helped me very much with my problems and it will be a very difficult hardship if she has to move her mobile home. Right now she's not even working, she doesn't have a vehicle or anything and it would really tear me apart if she has to move from there. She has been my right hand. We had a death in the family and she was like totally there for me and I appreciate that. My father had passed away and she was there for me through the whole thing and I just wanted to ask if you would request for approval for her mobile home to stay there.

CHAIR STEFANICS: Thank you. Anything, sir?

MR. ROYBAL: We'll do anything you guys want us to do. That's all I've got to say.

CHAIR STEFANICS: Okay. Thank you. Why don't you have a seat up front. This is a public hearing. Is there anybody here who wants to speak for or against this particular application? Yes, sir. Come on up.

[Duly sworn, James Mendoza testified as follows:]

JAMES MENDOZA: My name is James Mendoza. I live at 22 Magpie Road in Glorieta, New Mexico. I'm a neighbor of the Roybals here. I've known them for quite a while and I'm just really coming as a character reference. Since I've known these folks, they're the hardest people, honest people that I know. I wouldn't want better other neighbors. They're great neighbors. With the way the economy is now and everything it's tough out there and these folks are providing a place for their daughter and grandchildren to live. It would just be a tremendous blessing for them to be able to keep their house together and not be out there suffering the way the rest of the world is and we all are suffering. Thank you very much.

CHAIR STEFANICS: Thank you for coming. Is there anyone else who would like to speak? The public hearing portion is closed. Commissioners, comments, questions? Commissioner Holian.

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COMMISSIONER HOLIAN: Thank you, Madam Chair. This is a question for Wayne. It sounds like there are actually three homes if I read this correctly, two of them on the .8-acre lot and one on the .76?

MR. DALTON: Madam Chair, Commissioner Holian, that is correct. That's what's being proposed at this time.

COMMISSIONER HOLIAN: And who is – I understand the Roybals and their daughter are living in two of the homes, I guess in the .8-acre lot, proposed lot. Who lives in the other?

MR. DALTON: Madam Chair, Commissioner Holian, that's actually owned by a Sonia Torres Saiz.

COMMISSIONER HOLIAN: So that lot was sold?

MR. DALTON: It's a complicated story, Madam Chair, Commissioner Holian. This property was originally subdivided through warranty deed and obviously, that's not the proper way to subdivide property. So everyone out there historically has thought that they own this amount of acreage which didn't come through the proper process and we only recognize it as one legal lot of record. So they've been paying taxes on these properties since 1984. They thought they were individual pieces of property but they were not because they didn't come to the County for approval.

So right now there is three dwelling units on this property. They're not two individual legal lots of record. That's why they need to come through the subdivision process. So they can't get building permits on them. They couldn't sell the properties, so right now they're trying to remedy that situation by going through the subdivision process and the reason why it's before you is because there would be two dwelling units on .80 acres.

COMMISSIONER HOLIAN: So how did the mobile home get a permit in 2004?

MR. DALTON: Madam Chair, Commissioner Holian, whoever submitted for that permit back in 04 submitted a plat of survey showing 1.6 acres, and being that this property is in this traditional community they were allowed two homes on that property. The site plan at that time only showed the applicants' residence and the proposed mobile home. The site plan did not show any other homes on that property. So that's why the County issued that permit.

COMMISSIONER HOLIAN: Was there another home on the property? Did the home on the .76-acre lot exist at that time?

MR. DALTON: Madam Chair, Commissioner Holian, I think that home came in afterwards and is not permitted with Santa Fe County. So that's another issue that we have. This person here cannot obtain any permits as well because he doesn't have a legal lot of record unless this land division goes through.

COMMISSIONER HOLIAN: Thank you, Wayne.

CHAIR STEFANICS: So, Mr. Dalton, I'm now asking – you've just put a cloud over this. So who owns the land?

MR. DALTON: Right now, Sonia Torres Saiz owns a portion of it, through warranty deed, and the applicants own a portion of it through warranty deed.

CHAIR STEFANICS: So, Mr. Dalton, wouldn't the other owner need to be part of this if there is a request to subdivide it?

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MR. DALTON: Madam Chair, the owner of the property has given notarized written consent for the applicants to make application on that property.

CHAIR STEFANICS: And Mr. Dalton, are you saying that two different owners are paying property taxes on the same piece of property but double?

MR. DALTON: Madam Chair, under our tax records they're paying taxes individually.

CHAIR STEFANICS: So are they taking a tax bill and dividing it? Or are they each paying a tax bill?

MR. DALTON: Madam Chair, they are each paying a tax bill for this amount of property that's shown on Exhibit 6.

CHAIR STEFANICS: Mr. Ross, is that legal? Would the Assessor really be - in their purview to do that?

MR. ROSS: Well, Madam Chair, they probably picked up the warranty deed and elected to treat the parcels as two different parcels. They're not the code enforcement arm of the County. It would be up to Land Use to address this particular point and they just picked it up and treated it as two separate lots, which is probably lawful.

CHAIR STEFANICS: Okay. So a warranty deed would in their eyes stand as a separate lot.

MR. ROSS: Yes.

CHAIR STEFANICS: Got it. So, Mr. Dalton, where does this other owner live?

MR. DALTON: Madam Chair, just right next door to the applicants.

CHAIR STEFANICS: On the property.

MR. DALTON: Madam Chair, that's correct. What he thinks is his own separate lot, yes.

CHAIR STEFANICS: So even if we approved this subdivide there really would be three families there.

MR. DALTON: Madam Chair, that is correct. You have two lots. One lot would have one residence on it, which is owned by Sonia Torres Saiz, then you would have one lot with two dwelling units on it, which one house would be lived in by the applicants and the other by the applicants' daughter.

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR STEFANICS: Okay. I'll listen to everybody else. Commissioner Mayfield.

COMMISSIONER MAYFIELD: Thank you, Madam Chair. Mr. Dalton, this is in a traditional area and these lots can be legally subdivided to .75 apiece. Correct?

MR. DALTON: Madam Chair, Commissioner Mayfield, that's correct. And if it wasn't for the second home on the .80-acre we wouldn't be in front of you here tonight.

COMMISSIONER MAYFIELD: But Madam Chair, Mr. Dalton, I'm looking at Exhibit 6, and that Exhibit 6 - if you'll bear with me. It's hard for me to read this print. There's a residence on Tract 1-A that says Sonia Torres Saiz. And I can see it defined by the survey and that says 0.76. So that's the one residence we've kind of been discussing. Correct?

MR. DALTON: Madam Chair, Commissioner Mayfield, correct.

COMMISSIONER MAYFIELD: Okay. So then totally adjacent, to my right it's Mr. Victor and Patsy Roybal, and that's Tract 1-B on 0.84. Correct?

MR. DALTON: Madam Chair, Commissioner Mayfield, yes, but it should be 0.80 acres.

COMMISSIONER MAYFIELD: Okay. It's still greater than .75. And there I see a residence and I see a mobile home in the very back left corner. So who owns that mobile home in the back left corner?

MR. DALTON: Madam Chair, Commissioner Mayfield, that's the applicant's daughter.

COMMISSIONER MAYFIELD: That's the one they're asking for right now.

MR. DALTON: That's correct.

COMMISSIONER MAYFIELD: So based on that and based on prior discussions today in an earlier meeting, aside from that mobile home being there the Torres Saiz property and the Victor & Patsy Roybal property with the warranty deed issue you just talked about are arguably two legal lots based on the zoning out there, which is allowed in a traditional community of .75. Right?

MR. DALTON: Madam Chair, Commissioner Mayfield, they're not legal lots but they would be allowed.

COMMISSIONER MAYFIELD: Okay. So they'd be allowed. Okay. So knowing that we now - well, I shouldn't say we're potentially going to allow an adjacent home on a property that's of legal record. This kind of falls into this adjacent dwelling. What was the term again? Accessory structure. So arguably, that's how I'm kind of looking at it. It would just be an accessory structure to that smaller lot, which would be allowed if we approve this in the new code.

MR. DALTON: Madam Chair, Commissioner Mayfield, that's my understanding. That's what was discussed earlier, yes.

COMMISSIONER MAYFIELD: Thank you. That's all the questions I have. Thank you.

CHAIR STEFANICS: Thank you. Commissioner Vigil.

COMMISSIONER VIGIL: Following that line of discussion, I'm looking at Exhibit 8, if you would turn to that exhibit. The same lot that was referenced by Commissioner Mayfield, the 0.80 that you clarified, could you identify each one of those structures. There's one that's 38? It looks larger than all the others. What is that?

MR. DALTON: Madam Chair, the structure on the lot that's labeled 32-A is the structure that's owned by Sonia Torres Saiz.

COMMISSIONER VIGIL: I'm looking at 38.

MR. DALTON: Right where it says 38 is the applicants' residence. And then you can see where the mobile home is located.

COMMISSIONER VIGIL: Right. I see where the mobile home is located. But there are other structures in front of the mobile home and to the other side. What are those? Are those all sheds?

MR. DALTON: Madam Chair, that's correct. Carports and sheds.

COMMISSIONER VIGIL: They're non-livable sheds? Were those permitted?

MR. DALTON: Madam Chair, Commissioner Vigil, no, they are not permitted.

COMMISSIONER VIGIL: And so where the mobile home is situated there seem to be structures adjacent to it. Are those also sheds?

MR. DALTON: Madam Chair, Commissioner Vigil, according to the applicant, yes, they are sheds.

COMMISSIONER VIGIL: So how many sheds are there on this property?

MR. DALTON: Madam Chair, Commissioner Vigil, the applicant says three. Have you removed any at all? Madam Chair, according to – Madam Chair, Commissioner Vigil, according to the applicant there's three sheds on the property and two of them have been removed since this aerial photo was taken.

COMMISSIONER VIGIL: Okay. So this aerial identifies at least six. Are you following me, with the ones that are below the residence on the other side of the road? You're saying those are all sheds also. And this is not next to the mobile home but south of the residential property.

MR. DALTON: Madam Chair, Commissioner Vigil, yes, I'm following you and the applicant says two of those structures are now gone and I would believe the two closest to the road.

COMMISSIONER VIGIL: Okay. So the other two structures that are right in the boundary line, in front of the mobile, those are also sheds?

MR. DALTON: Madam Chair, Commissioner Vigil, yes. One is a shed and the other one was a structure that the applicant was building and when this issue came up I stopped him from building that structure.

COMMISSIONER VIGIL: Okay. And what – right next to the mobile home there appears to be a structure, one in front of it and adjacent to it, next to a vehicle. What are those structures?

MR. DALTON: Madam Chair, Commissioner Vigil, those appear to be vehicles; the applicant doesn't know what they are.

CHAIR STEFANICS: On this point, have you been out to the property?

MR. DALTON: Madam Chair, I myself have not. I sent a code enforcement officer out there to take pictures.

CHAIR STEFANICS: Thank you.

COMMISSIONER VIGIL: Madam Chair, I'm just not real clear that I understand how many structures are actually there. That's the only comment I have.

CHAIR STEFANICS: Thank you. Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, Mr. Dalton, I'm counting, outside of this request I'm counting seven immediate property owners' lots. We sent letters to all of the adjacent property owners around this parcel?

MR. DALTON: Madam Chair, Commissioner Anaya, yes. The applicants sent certified letters to anybody that was 100 feet from the property boundaries, excluding rights-of-way.

COMMISSIONER ANAYA: I'm looking in my packet again, Madam Chair. I don't see any – did we have any comments or feedback? I don't see any reflected in the CDRC minutes or letters. Did we receive any?

MR. DALTON: Madam Chair, Commissioner Anaya, I have not received

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any phone calls or any letters regarding this application.

COMMISSIONER ANAYA: Madam Chair, Mr. Dalton, outside of the area that I counted with six parcels. I just marked them on the map. Do we go beyond those boundaries any? Or just the immediate property owners? Is it just the immediate property owners adjacent?

MR. DALTON: Madam Chair, Commissioner Anaya, are you talking about noticing requirements?

COMMISSIONER ANAYA: Noticing, yes.

MR. DALTON: The applicants, by code the applicants are required to notice anybody within 100 feet of their property boundary.

COMMISSIONER ANAYA: Okay. I don't have any further questions, Madam Chair.

CHAIR STEFANICS: Thank you. Are there any other questions or comments? Commissioner Vigil.

COMMISSIONER VIGIL: I don't know how the other Commissioners feel about this but I don't feel we have an accurate depiction of what this property actually looks like as it was represented to us that a lot of these structures have been removed subsequent to this aerial. And because we don't have a current aerial or a current view of what the property actually looks like it's difficult for me to move forward with this because I think some of the conditions of approval would probably require that the applicant be in compliance with what I count to be more than five sheds, actually six maybe. So I think I'd like to ask the Commission if they'd consider that we table this until we have an accurate depiction of what the property currently looks like.

COMMISSIONER ANAYA: On this point, Madam Chair.

CHAIR STEFANICS: Yes, Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, Commissioner Vigil, I don't feel that way. I think that the actual item in District 3 where Mr. Dalton, as I understand it and reading the requirements, Mr. Dalton is going to have to verify the structures and compliance with code, and so I don't feel that way. I would even if, Madam Chair, Commissioner Vigil, if it helps I would even add that as a part of the motion, if given the opportunity. So I would move for approval with staff conditions and compliance with code requirements and prior permitting similar to the item we previously approved.

COMMISSIONER MAYFIELD: Second, Madam Chair.

COMMISSIONER VIGIL: Which would mean that the applicant would only be entitled to how many sheds, Wayne? One?

MR. DALTON: Madam Chair, Commissioner Vigil, an applicant can have as many accessory structures as they please on their property but they have to go through the permitting process. So there's no limit to the number of sheds a person can have on their property as long as they're permitted with our office.

CHAIR STEFANICS: Okay. On this point, I've brought this up before in past years and maybe my colleagues on the right haven't been here when I've done this, but I don't think we should be hearing any cases that a staff person hasn't visited, especially if there's controversy surrounding it. When we look at this, and we're providing a lot of variances. And we're really dependent upon the staff to say it's true what's in the paperwork. And I think Commissioner Vigil's bringing up something valid, and I don't

know. Penny, are we just too short-staffed to do that? I've brought this up other years.

MS. ELLIS-GREEN: Madam Chair, Commissioners, we have been sending staff out and I believe staff try to attend all of their sites. But I would imagine on this one Wayne didn't have the time to visit this site, but we will make sure that the staff planner goes out to every site in the future.

CHAIR STEFANICS: Well, I do think there's a difference between the planner who presents to us and the code enforcement staff. Because the code enforcement staff has different eyes and they're not doing the presentation to us. It's the same way as if Captain Patty is doing one versus Chief Sperling is doing one. It's like we need to know what did you see and is it okay? So I do have that concern as we go forward. We do have a motion. We have a second. Do we have further discussion besides my angst?

COMMISSIONER ANAYA: Madam Chair.

CHAIR STEFANICS: Yes.

COMMISSIONER ANAYA: I guess just on that point, I think that is a valid point and I think that the fact that in the condition and in my motion will have to review and assure that they're in compliance with code and they're permitted covers that and I would say based on the decisions that we made previously, not only tonight, but – that's all I'd say. Thanks, Madam Chair.

MR. DALTON: Madam Chair, Commissioners, I apologize. I usually like to get out to all my sites as well, but I didn't have a chance to get out here to this property.

CHAIR STEFANICS: Thank you. And Mr. Dalton, my comments aren't just about you. It's a standard.

MR. DALTON: I understand.

CHAIR STEFANICS: So other questions, comments? Commissioner Vigil.

COMMISSIONER VIGIL: I'm not confident in moving forward on this case. It seems like there's so much density and they're requesting more with already unknown amounts of density and we're relying on a GIS picture that I'm told doesn't accurately reflect the current status, so I probably won't be able to vote in favor of this, Madam Chair.

CHAIR STEFANICS: I just thought of another question that really came from your comment. The applicants came for permits willingly or after there was a complaint lodged?

MR. DALTON: Madam Chair, the applicants' surveyor came in with a survey, and that's how this whole issue started.

CHAIR STEFANICS: Repeat that again.

MR. DALTON: Madam Chair, the applicants' surveyor came in here with a survey, first of all to recognize these parcels as legal lots of record.

CHAIR STEFANICS: I understand now. Okay. Thank you.

COMMISSIONER ANAYA: Madam Chair, on that point.

CHAIR STEFANICS: Yes, Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, on that point, the other thing I read in the case is that I think the applicant is trying to make a difficult situation right. I really do. I guess I – Madam Chair, Commissioner Vigil, if Mr. Dalton were to go – I guess just based on my motion, since I made the motion, if Mr. Dalton goes out there, verifies the structures, keeping in mind there is no limitation on sheds. Does that satisfy

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some of your concerns? As far as density in traditional communities, this density is not uncommon with every single traditional community that I'm familiar with. Galisteo, Cerrillos, Madrid, Chimayo, La Puebla. I mean the densities aren't extreme. I guess would that, if we held off and he took pictures and brought some assurances, would that help?

COMMISSIONER VIGIL: Actually, that was going to be my motion and I suggested that at the onset that we consider holding off on making a decision on this case until we have an accurate depiction of what their property currently looks like and I think that would give us a stronger sense – at least it would give me a stronger sense of confidence that we could move forward on that. So that would have been my recommendation to just have Mr. Dalton come back to us, give us an idea of what the property actually looks like now and I'd have a better [inaudible]

COMMISSIONER ANAYA: Madam Chair, my desire, my motion is to help these people that I believe are trying to do the right thing and respecting Commissioner Vigil's comments, I have no problem with the density. I'll withdraw my motion. Does the seconder have to accept the withdrawal, Madam Chair?

CHAIR STEFANICS: They have to agree. Unless –

COMMISSIONER MAYFIELD: Madam Chair, could I ask a question?

CHAIR STEFANICS: Yes.

COMMISSIONER MAYFIELD: Madam Chair, I think our County Surveyor, maybe in a different capacity was a surveyor on this piece of property. I don't know. Mr. Ludwig, were you the surveyor on this property?

MS. ELLIS-GREEN: Madam Chair, it's actually on page 16 of your packet. I was just about to point that out. A survey has been done by Mr. Ludwig and it does identify where sheds are on the property.

COMMISSIONER MAYFIELD: Okay. So I'm just going to ask him while he's here if I can. Are there sheds on this property, Mr. Ludwig?

MR. LUDWIG: Madam Chair, Commissioner Mayfield, there were, at the time I did the survey, there were a couple sheds on the property that I do depict on my survey. There was also a dog shed that may be something showing up on the aerial that may look like a dwelling but it's a four by four plywood dog house is what it is. Other than that there's a small woodshed and other than that I'm not aware of any accessory structures other than that. Other than the one that Mr. Dalton spoke about that he asked him to stop work on it.

COMMISSIONER MAYFIELD: Okay. Thank you, Mr. Ludwig. All I'm going to say, staff and Mr. Dalton, if it's possible, and I know you guys do a great job of trying to get out to all these properties, but can you – I mean we have the capability to bring a current picture, an aerial picture, from what's on file downstairs in our GIS mapping. Maybe in the future on all these cases can you guys just put the most current map and date that map. If it was done in 2008 or if it was done in 2010, but maybe we could just have a current aerial depiction of that map, what the County has on file, the last map of record, aerial. If you guys could do that I would appreciate that.

Madam Chair, and hearing and to withdraw from my second, I don't have a problem withdrawing from my second upon staff's verification of this property, I just would ask that it come to the next BCC meeting.

COMMISSIONER ANAYA: Madam Chair.

CHAIR STEFANICS: Commissioner Anaya

COMMISSIONER ANAYA: Madam Chair, I would motion to table this case to the next regular BCC meeting and await staff's review and submittals for that meeting.

COMMISSIONER VIGIL: I'll second that.

CHAIR STEFANICS: Okay. There's a motion and a second to table till the next BCC land use meeting.

COMMISSIONER ANAYA: Regular meeting.

CHAIR STEFANICS: Regular? That's the administrative one?

COMMISSIONER ANAYA: Yes. Administrative.

CHAIR STEFANICS: Steve, Mr. Ross, any problem with that?

MR. ROSS: Madam Chair, no. I think you could direct that that occur. We could perhaps put it at the end of the agenda to make sure the public can attend.

CHAIR STEFANICS: Okay. The motion is to table until the next regular BCC meeting which would be September 25th. That's two weeks.

COMMISSIONER VIGIL: Madam Chair, may I just clarify that, that Mr. Dalton, even based on the survey there is verification of other structures in this property. If you could just verify every structure and its purposes, that would be very helpful.

MR. DALTON: Madam Chair, Commissioner Vigil, I will do that.

COMMISSIONER ANAYA: Madam Chair.

CHAIR STEFANICS: Yes, Commissioner Anaya.

COMMISSIONER ANAYA: Actually, we can vote on it and then I have a comment.

CHAIR STEFANICS: Okay. So any further discussion on this.

The motion to table passed by majority [4-1] voice vote with Commissioner Holian casting the nay vote.

CHAIR STEFANICS: Commissioner Anaya, you had a comment?

COMMISSIONER ANAYA: Madam Chair, Commissioner Holian, did you want to vote on it tonight? Madam Chair, Mr. Ross, for accessory structures, I have a question. Pre-code is 1984 - this isn't for this case. This is just generally. If there's a structure on a property that's pre-code, as part of the submittal, we can change whatever we want because of the -we could request to have it removed or modified because of the change in use that's being proposed in the plat, whether it's a land use subdivision or a use for commercial use or - do you understand what I'm asking?

MR. ROSS: Madam Chair, Commissioner Anaya, I think so. If it's a pre-code structure it's a non-conforming structure and so then the rules about non-conformities would apply, which means in the current code you can't expand a non-conforming structure more than 50 percent, and in the draft new code the rules are essentially the same. If you make too many changes or you abandon the structure or something like that, then, boom, the protection for the structure goes away.

COMMISSIONER ANAYA: So, Madam Chair, Mr. Ross, if someone's proposing a lot split and they have a pre-code structure, can we mandate they take it out?

MR. ROSS: Madam Chair, Commissioner Anaya, probably not.

COMMISSIONER ANAYA: Interesting. Interesting.

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR STEFANICS: Yes.

COMMISSIONER MAYFIELD: Just another general question. Mr. Dalton kind of brought this up and Mr. Ross, I think I've talked to you about it. But as far as an adjacent structure, if somebody goes and buys a tuff-shed, goes and buys a tin shed from Sears, or they buy one of these carports that they sell on arguably every street corner for \$799, the existing code requires that individuals get a permit from the County for that structure. Correct?

MR. ROSS: Madam Chair, Commissioner Mayfield, yes.

COMMISSIONER MAYFIELD: So, and now I'll even go a little out there. If somebody builds a tree house on their property, does the existing code require that they get a permit to build that tree house on their property? Say, 100 square feet?

MR. ROSS: Madam Chair, Commissioner Mayfield, there's a -

MS. ELLIS-GREEN: Madam Chair, Commissioners, it is considered development, but we usually follow what CID does which is over 500 square foot.

COMMISSIONER MAYFIELD: Over 500 square foot.

MS. ELLIS-GREEN: So I guess that would be a fairly large tree house.

COMMISSIONER MAYFIELD: Okay.

MS. ELLIS-GREEN: Sorry. It's 120 square foot.

COMMISSIONER MAYFIELD: Madam Chair, I guess my point is that I know we talked about it a little earlier today but these are one of the things I'm going to want to talk about in the new code, for what that's worth. Thank you.

CHAIR STEFANICS: Thank you. Commissioner Vigil.

COMMISSIONER VIGIL: Wayne, where the residence is there's three sort of ancillary or auxiliary structures that look like they may have been additions. They don't seem to have access to the main residence. Could you, when you do a site visit, identify what each one of those three residences are? And Jeff, you may already know. I was going to ask you about it. But since you're going to do a site visit - and I'm looking at the survey and look where the residence actually is. To the right of it, there are structures also and those don't seem to have access to the residence. Maybe they do. I don't know. Just clarify those.

MR. DALTON: Madam Chair, Commissioner Vigil, yes, I will.

COMMISSIONER VIGIL: Thank you.

CHAIR STEFANICS: Okay. Thank you. Anything else?

COMMISSIONER ANAYA: Madam Chair, I do have one more thing.

CHAIR STEFANICS: Okay.

COMMISSIONER ANAYA: I want to make a comment, a couple comments. Working on the end of my second year I want to say that relative to the land use cases and working with residents of the community, I want to thank my colleagues for the work, because I always think my colleagues, you guys have always been amenable to working with people and clients, and I also want to thank staff. I know sometimes I know I ask questions that are maybe confusing at times but I appreciate the clarifications and I appreciate the work that you guys are doing and not only working in the meetings now but out with the clients and on the cases to give the public the best information you possibly

REC'D BY: RECORDED: 11/09/2012

can. So I just wanted to make that comment. Thank you, Madam Chair.

CHAIR STEFANICS: Thank you.

- XVII. A. 8. CDRC Case # V 12-5200 Robert & Bernadette Anaya Variance.
Robert & Bernadette Anaya, Applicant's, Talia Kosh (the Bennett
(TABLED)



XVIII. ADJOURNMENT

Having completed the agenda and with no further business to come before this body, Chair Stefanics declared this meeting adjourned at 9:30 p.m.

Approved by:



Board of County Commissioners
Liz Stefanics, Chair


ATTEST TO:

VALERIE ESPINOZA
SANTA FE COUNTY CLERK

Respectfully submitted:

Karen Farrell, Wordswork
453 Cerrillos Road
Santa Fe, NM 87501



Potential ICIP Projects (draft)

Dist. 1

1. CR 78 (Camino Chupadero)-Drainage improvements, to include placing additional pipe and purchasing drainage easements to elevate flooding along the road-\$350,000
2. Santa Cruz Lake Rd- Reclaim existing chip seal and base course and compact into sub grade. Place 6" of new base course and 3" of new hot mix asphalt. From NM 503 to end of Road-\$500,000

Dist. 2

3. Roundabout at Prairie Dog Loop and CR 62 for traffic calming to serve the Nancy Rodriguez Community Center, La Familia Medical Center and reroute entrance to Romero Park Parking lot-\$300,000
4. Camino La Tierra Road Improvements to reclaim existing portions of existing chip seal with new double penetration chip seal over existing hard surface(s) - \$300,000
5. Install water line to La Familia Medical Center-\$300,000

Dist 3

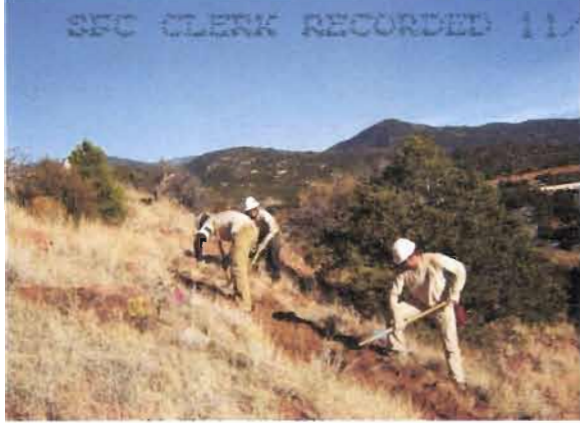
6. CR 8 (Dinkle Rd)-Reclaim existing asphalt and base course and compact into sub grade. Place 6" of new base course and 3" of new hot mix asphalt. Between County Line Rd and NM 344 portion that is maintained by the county-\$500,000
7. Entrada la Cienega- reclaim existing asphalt , with new compacted sub. grade with 3" of new hot mix over lay with drainage improvements to correct drainage issues on current roadway - \$500,000
8. La Cienega Community Center/Fires Station, for design services, for the community center to convert the existing fire station bay for use by the community for community room and library - \$150,000

Dist 4

9. CR 51 (Ojo De La Vaca)-Reclaim existing chip seal and base course and compact into sub grade. Place 6" of new base course and 3" of new hot mix asphalt. From Low Water Crossing north one mile \$500,000
10. Rail Trial, continued design and construction from the existing Spur Trail to Avendia Vista Grande-\$500,000

Dist 5

11. Rail Trial, continued design and construction from the existing Spur Trail at the Community College to Avendia Vista Grande-\$500,000
12. Arroyo Hondo Trial- for construction of the trail from the Rail Runner Train Stop at SR 599 to Richards Ave./Community College Connection -\$500,000



Arroyo Hondo Trail Construction

Background

County Commissioners selected the three capital project categories for funding based on citizen input received (public meetings, one-on-one communication with constituents, a public opinion survey, etc.). In July 2010, a County "Priorities Survey" asked "What are the biggest issues facing the residents of Santa Fe County at this time?" The #1 response was "Roads/streets not kept up/are in bad shape." And the #2 response was "Water shortage/supply". In response to another question, 68% of survey participants ranked parks and recreation services as High or Very High.

It's your taxes at work! Be sure to vote on Tuesday, November 6th. Absentee voting begins October 9th and early voting starts October 20th.



2012 Santa Fe County General Obligation Bond Election



Tuesday, Nov. 6th, 2012

For More Information:
Craig O'Hare, Public Works Department (505) 992-3044
cohare@santafecountynm.gov
www.santafecountynm.gov/publicworks



Dear Santa Fe County Citizens,

On July 31, 2012 the Santa Fe County Board of County Commissioners adopted Resolution 2012-89 directing that three Bond Questions be presented to Santa Fe County voters as part of the November 6, 2012 general election. The three Bond Questions ask County voters if they would like to fund up to \$35 million for capital infrastructure projects in the following areas: roads, water and wastewater, and open space, trails, and parks. Voter approval of the bonds is not expected to raise County property tax rates. I urge Santa Fe County residents to educate themselves about the purpose and content of the Bond Election and be sure to vote on November 6th.

Sincerely, *Liz Stefanics*, Chair
Board of County Commissioners



Bond Questions (as they will appear on the November 6th ballot)

Roads: \$19 million



Shall Santa Fe County issue up to \$19,000,000 in general obligation bonds payable from general (ad valorem) taxes to acquire, construct, design, equip and improve roads within the County?



South Meadows Road extension, completed last year, was funded by a previous bond issue.

Water and Wastewater: \$10 million

Shall Santa Fe County issue up to \$10,000,000 in general obligation bonds payable from general (ad valorem) taxes to acquire real property and necessary water rights for, and to

construct, design, equip, rehabilitate, and improve water and wastewater projects within the County?



Water infrastructure, like the Rancho Viejo Booster Station, provides clean, sustainable water supplies to Santa Fe County citizens.

Open Space, Trails, and Parks: \$6 million

Shall Santa Fe County issue up to \$6,000,000 in general obligation bonds payable from general (ad valorem) taxes to acquire, design, construct, improve, equip, and restore open space, trails and parks within the County?

CERTIFICATE OF PROPERTY TAX RATES IN MILLS

SANTA FE COUNTY

TAX YEAR 2012

NET TAXABLE VALUE:

	\$6,878,101,797									
MUNICIPALITY:	Santa Fe	Santa Fe								Espanola
TAXABLE VALUE:	2,700,073,398	976,979,570	2,193,579,011	468,453,478	136,624,083	44,268,813	115,900,142	31,662,039		31,126,389
CATEGORY:	C IN R	C IN NR	C OUT R	C OUT NR	1 R	1/1D NR	8T R OUT	8T NR OUT		18 IN R
State Debt Service	1.360	1.360	1.360	1.360	1.360	1.360	1.360	1.360	1.360	1.360
Total State	1.360	1.360	1.360	1.360	1.360	1.360	1.360	1.360	1.360	1.360
County Operational	5.022	11.850	5.022	11.850	5.022	11.850	5.022	11.850	5.022	11.850
County Debt Service	1.640	1.640	1.640	1.640	1.640	1.640	1.640	1.640	1.640	1.640
Total County	6.662	13.490	6.662	13.490	6.662	13.490	6.662	13.490	6.662	6.662
Municipal Operational	1.165	2.817	0.000	0.000	0.000	0.000	0.000	0.000	0.000	3.188
Municipal Debt Service	0.564	0.564	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
Total Municipal	1.729	3.381	0.000	0.000	0.000	0.000	0.000	0.000	0.000	3.188
School Dist. Operational	0.128	0.500	0.128	0.500	0.176	0.500	0.363 (2)	0.500 (2)	0.166 (3)	0.166 (3)
School Dist. Debt Service	3.420	3.420	3.420	3.420	9.549	9.549	8.189 (2)	8.189 (2)	5.118 (3)	5.118 (3)
School Dist. Cap. Improve.	2.000	2.000	2.000	2.000	2.000	2.000	2.000 (2)	2.000 (2)	0.000 (3)	0.000 (3)
HB33 School Building	1.500	1.500	1.500	1.500	0.000	0.000	0.000 (2)	0.000 (2)	0.000 (3)	0.000 (3)
School Dist. Educ. Tech. Debt Service	0.000	0.000	0.000	0.000	0.000	0.000	0.000 (2)	0.000 (2)	0.000 (3)	0.000 (3)
Total School District	7.048	7.420	7.048	7.420	11.725	12.049	10.552	10.689	5.284	5.284
Total State, County, Municipal, & School Dist.	16.799	25.651	15.070	22.270	19.747	26.899	18.574	25.539	16.494	16.494
Other:										
Santa Fe Comm.Col.(1)	2.362	3.000	2.362	3.000	0.000	0.000	0.000	0.000	0.000	0.000
Santa Fe Col.Bldg.Levy (1)	0.930	0.930	0.930	0.930	0.000	0.000	0.000	0.000	0.000	0.000
Total Other	3.292	3.930	3.292	3.930	0.000	0.000	0.000	0.000	0.000	0.000
GRAND TOTAL	20.091	29.581	18.362	26.200	19.747	26.899	18.574	25.539	16.494	16.494

Where Applicable:	Res	Non-Res	(1) To Santa Fe Com. College--P.O. Box 4187, Santa Fe, NM 87502
Cattle Indemnity 10.000	Edgewood SWCD 1.000	1.000	(2) To Moriarty Board of Education
Sheep/Goats/Swine/Alpaca 10.000			(3) To Espanola Board of Education
Dairy Cattle 5.000	Rancho Viejo Sp. Assmt Dist Debt 0.000		
Bison/Camelids/Ratite 10.000	El Dorado Area W&S Dist Oper: 0.949		
Horses/Asses/Mules 10.000	El Dorado Area W&S Dist Debt: 2.198		

2182/98/11 CLERK RECORDED 11/25/2012



CERTIFICATE OF PROPERTY TAX RATES IN MILLS

SANTA FE COUNTY

TAX YEAR 2012

NET TAXABLE VALUE:

	\$6,878,101,797					
	MUNICIPALITY:	Espanola		Edgewood	Edgewood	
	TAXABLE VALUE:	16,837,745	48,918,818	19,797,402	62,443,626	31,437,283
	CATEGORY:	18 IN NR	18 OUT R	18 OUT NR	8T IN R	8T IN NR
State Debt Service		1.360	1.360	1.360	1.360	1.360
Total State		1.360	1.360	1.360	1.360	1.360
County Operational		11.850	5.022	11.850	5.022	11.850
County Debt Service		1.640	1.640	1.640	1.640	1.640
Total County		13.490	6.662	13.490	6.662	13.490
Municipal Operational		4.167	0.000	0.000	0.000	0.000
Municipal Debt Service		0.000	0.000	0.000	0.000	0.000
Total Municipal		4.167	0.000	0.000	0.000	0.000
School Dist. Operational		0.194 (3)	0.166 (3)	0.194 (3)	0.363	0.500
School Dist. Debt Service		5.118 (3)	5.118 (3)	5.118 (3)	8.189	8.189
School Dist. Cap. Improve.		0.000 (3)	0.000 (3)	0.000 (3)	2.000	2.000
HB33 School Building		0.000 (3)	0.000 (3)	0.000 (3)	0.000	0.000
School Dist. Educ. Tech. Debt Service		0.000 (3)	0.000 (3)	0.000 (3)	0.000	0.000
Total School District		5.312	5.284	5.312	10.552	10.689
Total State, County, Municipal, & School Dist.		24.329	13.306	20.162	18.574	25.539
Other:						
Santa Fe Comm.Col.(1)		0.000	0.000	0.000	0.000	0.000
Santa Fe Col.Bldg.Levy (1)		0.000	0.000	0.000	0.000	0.000
Total Other		0.000	0.000	0.000	0.000	0.000
GRAND TOTAL		24.329	13.306	20.162	18.574	25.539

Where Applicable:

Cattle Indemnity	10.000
Sheep/Goats/Swine/Alpaca	10.000
Dairy Cattle	5.000
Bison/Camelids/Ratite	10.000
Horses/Asses/Mules	10.000

Santa Fe County

Tax Rate Comparison: 2011 vs. 2012

EXAMPLE OF TAXES ON TOTAL VALUE OF \$ 100,000 WITHOUT EXEMPTIONS

$$\text{\$ } 100,000 / 3 = \text{\$ } 33,333 \quad \times \quad \text{APPLICABLE TAX RATE} = \text{TAXES DUE}$$

DISTRICT Label	RES/ NON-RES	Geographic Area/ School District	2011 TAX RATE	2011 TAXES	2012 TAX RATE	2012 TAXES	AMOUNT OF CHANGE (dollars)	% CHANGE
City-In	residential	City Santa Fe / Santa Fe	0.020416	\$ 680.53	0.020091	\$ 669.70	\$ (10.83)	-1.59%
City-In	non-res.	City Santa Fe / Santa Fe	0.030123	\$ 1,004.10	0.029581	\$ 986.03	\$ (18.07)	-1.80%
City-Out	residential	Outside SF/ Santa Fe	0.018538	\$ 617.93	0.018362	\$ 612.07	\$ (5.87)	-0.95%
City-Out	non-res.	Outside SF/ Santa Fe	0.026563	\$ 885.43	0.026200	\$ 873.33	\$ (12.10)	-1.37%
1	residential	Pojoaque/ Pojoaque	0.019858	\$ 661.93	0.019747	\$ 658.23	\$ (3.70)	-0.56%
1	non-res.	Pojoaque/ Pojoaque	0.027113	\$ 903.77	0.026899	\$ 896.63	\$ (7.13)	-0.79%
08T-In	residential	Edgewood/ Moriarity	0.019271	\$ 642.37	0.018574	\$ 619.13	\$ (23.23)	-3.62%
08T-In	non-res.	Edgewood/ Moriarity	0.026399	\$ 879.97	0.025539	\$ 851.30	\$ (28.67)	-3.26%
08T-Out	residential	Outside Edgewd/ Moriarity	0.019271	\$ 642.37	0.018574	\$ 619.13	\$ (23.23)	-3.62%
08T-Out	non-res.	Outside Edgewd/ Moriarity	0.026399	\$ 879.97	0.025539	\$ 851.30	\$ (28.67)	-3.26%
18-IN	residential	City Espanola/ Espanola	0.017017	\$ 567.23	0.016494	\$ 549.80	\$ (17.43)	-3.07%
18-IN	non-res.	City Espanola/ Espanola	0.024669	\$ 822.30	0.024329	\$ 810.97	\$ (11.33)	-1.38%
18-OUT	residential	Espanola-out	0.013808	\$ 460.27	0.013306	\$ 443.53	\$ (16.73)	-3.64%
18-OUT	non-res.	Espanola-out	0.020785	\$ 692.83	0.020162	\$ 672.07	\$ (20.77)	-3.00%
El Dorado Area W&S District			2011		2012			
Rates	(Operational)		0.000949	\$31.63	0.000949	\$31.63	\$0.00	0.00%
	(Debt)		0.002411	\$80.37	0.002198	\$73.27	-\$7.10	-8.83%
Rancho Viejo Special Assmnt. District			2011		2012			
Rates	(Debt)		0.010000	\$333.33	0.000000	\$0.00	-\$333.33	-100.00%
Edgewood SWCD			2011		2012			
Rates	residential		0.001000	\$33.33	0.001000	\$33.33	\$0.00	0.00%
	non-residential		0.001000	\$33.33	0.001000	\$33.33	\$0.00	0.00%

Santa Fe County Senior Services

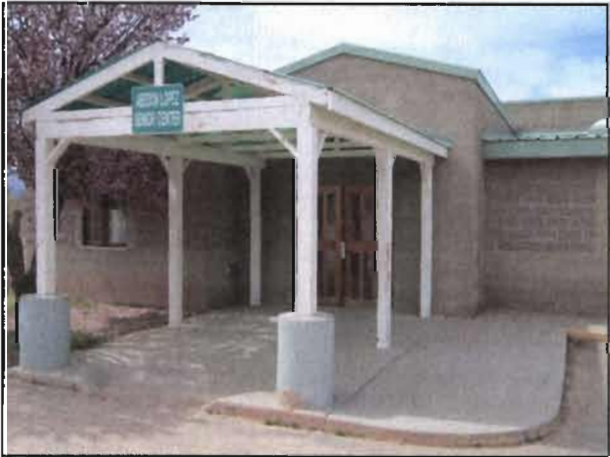


September 11, 2012



Santa Fe County currently has 8 senior sites. These include:

- Abedon Lopez
- Bennie J Chavez
- El Rancho
- Rio en Medio
- Ken and Patty Adams
- Edgewood
- Rufina
- Nambe




Abedon Lopez


Congregate Meals:
July 2011 - 357
July 2012 - 477

Activities Provided:

- Art
- Ceramics
- Exercise
- Jewelry
- Tin Work
- Weaving



Josie Atilano - Cook



Andrea Romero - Activities Coordinator



Bennie J Chavez

Congregate Meals:

July 2011 - 357
July 2012 - 526



Andrea Romero - Activities Coordinator

Home Delivered Meals:

July 2011 - 747
July 2012 - 839

Activities Provided:

- Art
- Ceramics
- Origami
- Sewing
- Weaving



David Lucero, Jr. - MOW Driver



El Rancho

Congregate Meals:

July 2011 - 79
July 2012 - 79



Marietta Trujillo - Cook

Home Delivered Meals:

July 2011 - 282
July 2012 - 250

Activities Provided:

- Art
- Bingo
- Ceramics
- Jewelry
- Let's Get Moving!
- Line Dancing
- Weaving



Jewel Pacheco - Activities Coordinator



Rio en Medio

Congregate Meals:

July 2011 - 256
July 2012 - 74

Activities Provided:

- Arts & Crafts
- Bingo
- Card Making
- Chair Aerobics
- Painting



Gerald Jimenez - Cook



Carol Branch - Activities Coordinator



Ken & Patty Adams Senior Center

Congregate Meals:

July 2011 - 539
July 2012 - 642

Home Delivered Meals:

July 2011 - 395
July 2012 - 664

Activities Provided:

- Arts & Crafts
- Chair Aerobics & Stretching
- Chair Yoga
- Guest Speakers (weekly)
- Memoir Writing
- Movie Presentations
- Pinochle
- Strength Training
- Tai Chi Arts



Jonathan Pacheco - Driver



Cindy Barreras - Cook



Andrew Armijo - MOW Driver



Carol Branch - Activities Coordinator



Edgewood Senior Center

Congregate Meals:

July 2011 - 663
 July 2012 - 784

Home Delivered Meals:

July 2011 - 250
 July 2012 - 478

Activities Provided:

- Art
- Card Making
- Ceramics
- Creative Writing
- Exercise
- Leather
- Wood Working
- Writing Workshops



Jewel Pacheco
 Activities Coordinator

Ida Lucero - Cook

Travis Darnell - Driver / MOW





Nambe Community/Senior Center

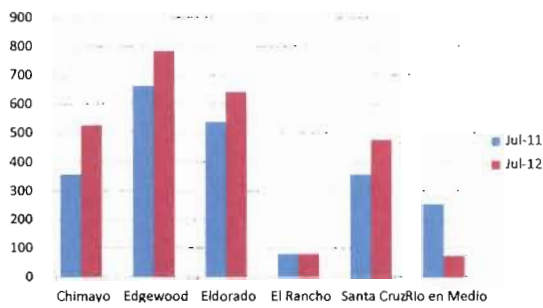


Community Ribbon Cutting
Saturday, September 15, 2012

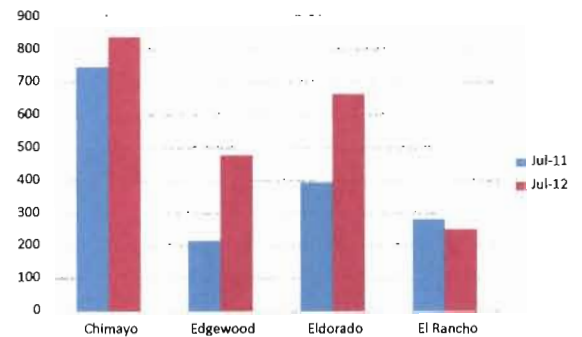
10:00 a.m. - 11:00 a.m.

Please join valley residents for food and fun as we gather to celebrate the opening of Santa Fe County's Historic Nambé Senior & Community Center (180A State Road 503, Nambé, NM)

Congregate Meals



Home Delivered Meals



Transportation



Lula Wilson - Scheduler



Saul Carta - Driver

595 Units provided in July 2012

- Doctor/Dentist appointments
- Prescriptions
- Physical Therapy
- Treatment
- Grocery Shopping
- Senior Centers
- Day Trips

Santa Fe County Senior Services




Questions?



September 11, 2012

Memorandum

To: Board of County Commissioners and Manager

Fr: Robert A. Anaya 

Re: Commission District 3 Projects

1. A. Request for written project status report and timeline for portable install at the Stanley wellness center site. During the budget process I was informed we had existing resources built into the budget and would like an update for the project.
- B. I would believe it would be prudent to drill a well on the site and utilize a the well at the fire station in the interim.
- C. I am also putting forth that there will be a functional bathroom and running water in the portable.
- D. I would like to schedule a meeting with Public Works staff at the site to review the master plan and short term and long term plans for the project.
2. La Bajada Community Mutual Domestic Water Association
 - A. The County worked hard with the community to acquire these resources we need to work together with the community to retain them.
 - B. As the Commissioner for this area I do not want to force this or any domestic water association to give up full control of their system by taking assistance and support from Santa Fe County.
3. The Land Use Code Draft Ordinance
 - A. Its important to me that we incorporate all necessary documents and adequate public input in our land use code before we adopt the code.
 - B. The Code should reflect the interests and desires of the individual communities and should not attempt to be a once size fits all document.
4. La Cieneguilla, La Cienega and La Bajada
 - A. There is a meeting at the State Engineer on September 21, 2012 that has been arranged by Representative Hall and I request that the appropriate staff be present along with Chris Barela.

FILED RECORDED 11/05/2012

- B. The Beaver Issue and ponding is still a relevant issue along the Santa Fe River. I understand we do not dictate water flow or actions on City property, however I would like an update on the discussions relevant to our County property and BLM property along the Santa Fe River.
- C. I believe we still need to follow up on the validity of the lease agreement with the State Land Office for the park in La Cienega , as well as our planning strategy moving forward.
- 5. Cerrillos Hills Acquisition of Additional Property
 - A. What is the status of the acquisition of the additional property in the Cerrillos Hills Park
- 6. Senior Center update related to all Senior Centers and the planned center in the Highway 14
- 7. The use of open space for trails and public use what progress have we or are we making.
- 8. What is our outreach strategy and plan for providing information to the public for the GO Bond and Fire ¼ percent.
- 9. I believe we need to work on and refine our strategy and communications with our legislative delegation for the upcoming session.
- 10. Water costs in comparison to Sandoval and Bernalillo County (brought up by resident Jerry Marquez) for people who haul water specifically on and in the Highway 14 area. I am supportive of the extension of the water lines to the Highway 14 area as target area for our Utility.
- 11. Torrance County, the City of Moriarty the Town of Edgewood and the region as a whole is coordinating with a team to implement a public radio station in the region. I have had initial discussions with Ken Martinez regarding emergency communications and the linkage to radio announcements. I request communications from appropriate staff be considered to understand how we might coordinate meeting broadcasts and other public service announcements with the radio station.
- 12. Continued dialogue and communications is appreciated with Public Works and Land Use Planning staff with the coordination of Route 66 revitalization efforts initiated by legislators and local leaders in the southern region.



Board of County Commissioners
Santa Fe, NM 87507

September 4th, 2012

Dear BCC and Staff,

We are writing in reference to **BCC case # MIS 12-5270** (Ponderado Subdivision, time extension). As the adjacent, established neighborhood association, the WSFA wishes our potential new neighbors well. However, as we have previously testified, we are deeply concerned about the lack of an **emergency-only breakaway gate** for **fire evacuation** and **rescue vehicles** at the west end of the proposed Via Tranquilo.

As the County has long acknowledged, this is a logical place for such an egress. It would connect, **during an emergency only**, to Calle Estevan in Piñon Hills. This easement would be approximately 100 feet long, and require some erosion mitigation for a clear path. We strongly urge you to visit the site and evaluate the situation for yourselves.

To deny an east/west corridor in this arroyo during a wildfire is dangerous and negligent. With the current proposal, a fast moving fire from the southwest will land-lock much of Piñon Hills. That is potentially hundreds of people. The proposed egress at Penny Lane doesn't help those trapped in the north of the community, and the proposed egress to Suerte del Sur, off of north-west Calle Francisca exists on paper only. A future Board could consider vacating any emergency easement when and if a viable alternative is ever built. In the meantime, we will do what we can to protect our families.

This is a very real and current threat to our community. During the big fires in the summer of 2011, neighbors were asking each other where to cut through fences if needed to escape a big fire that was burning to the southwest. This was terrifying and is clearly a recipe for disaster. Please look again at the maps and fire-danger assessments. A short easement could eliminate future liability, and most importantly, it could save lives. Well-marked gates provide evacuation routes in both directions, and they can protect people on both sides!

It is a public safety issue, and a growing one. We have no hydrants or water tanks. With the dramatic proliferation of lot-splits and serial subdivisions, we feel the need to be on record again, spotlighting this genuine wildfire hazard we're living with today. Increasing density exacerbates the risk. Without a simple, community-wide plan to mitigate that risk, we put all our homes and lives on the line needlessly. In the spirit of a better community, we look forward to welcoming our new neighbors.

Thank you for your careful consideration and continued service.

Sincerely,

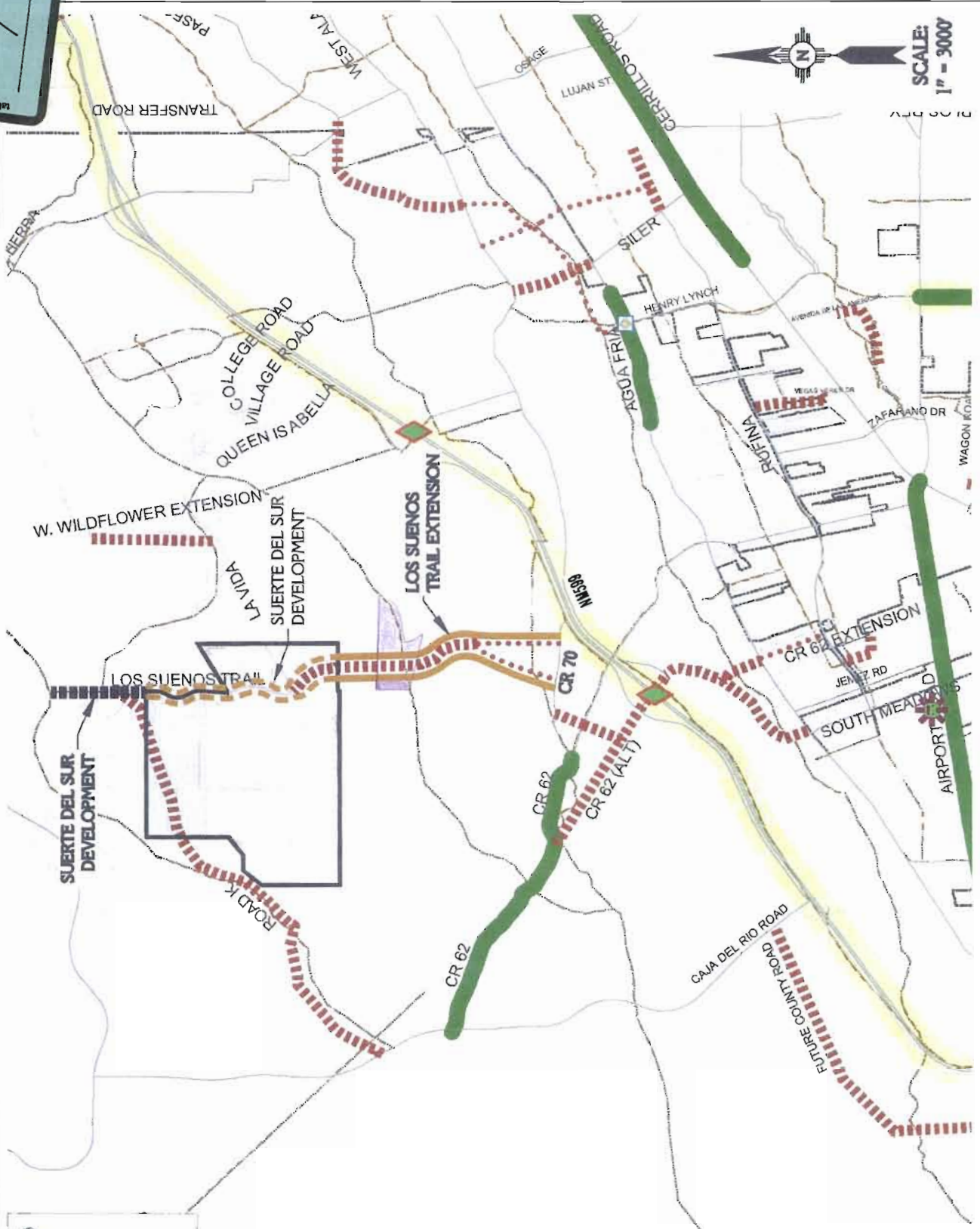
The Governing Board of the West Santa Fe Association

George Ancona, Derek Cunningham, Rudy Fernandez, Lena Hands, Nancy Maret, Joann Sterrett, Michael Wiese, and Tim Willson

Please contact the WSFA via email at mww@rt66.com or 505-992-0319.

CLERK RECORDED 11/06/2012

EXHIBIT 7



SCALE: 1" = 900'



Future Road Network

Organization board

Unfunded (and unfunded)

in the SFMPO Improvement Program 2006-2011

OFFSITE INSITE

DATE: 11/05/2012

FUTURE ROAD NETWORK

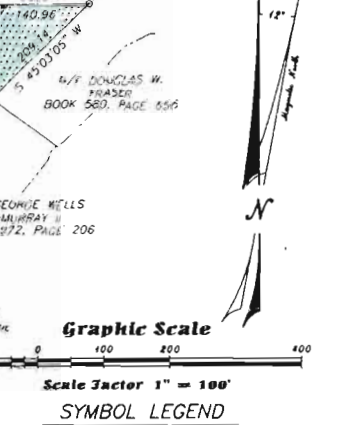
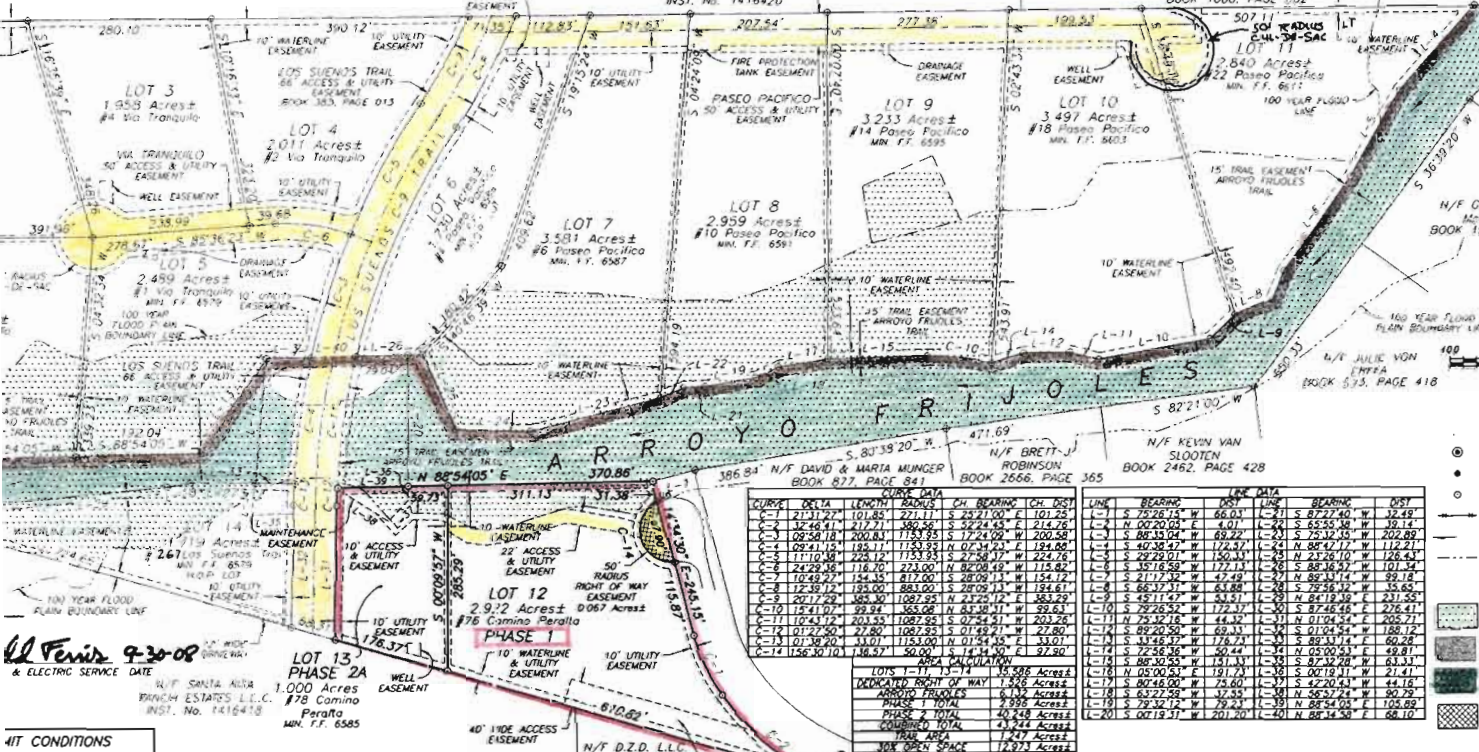
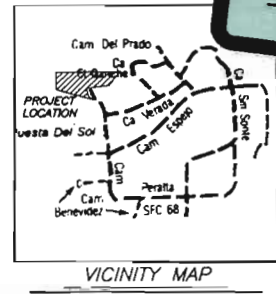
2102/98/11 RECORDED

015

Michael Chavez
SANTA FE COUNTY BOARD OF COMMISSIONERS
Melting Date: 3/2/09
Chairman
3/30/09
SANTA FE COUNTY LAND USE ADMINISTRATOR
10/31/08
RURAL ADDRESSING DIRECTOR
06-4311
SANTA FE COUNTY DEVELOPMENT PERMIT NO.
11-09-2010
REVIEWED BY: Rosamaria Jimenez 01/24/09
CITY SUBDIVISION REVIEWER
02-25-09
CITY PLANNER
3-4-09
SANTA FE COUNTY FIRE
DATE

- MAINTENANCE OF ACCESS ROADS AND UTILITY EASEMENTS IS THE RESPONSIBILITY OF THE LAND OWNER/USER UNLESS CURRENTLY MAINTAINED BY THE SANTA FE COUNTY PUBLIC WORKS DEPARTMENT.
- THE APPROVAL OF THIS PLAT DOES NOT CONSTITUTE THE APPROVAL OF ANY FURTHER DEVELOPMENT, INCLUDING BUILDING PERMITS.
- EXISTING NATURAL DRAINAGEWAYS WILL NOT BE WOODED OR IMPURED WITHOUT THE WRITTEN APPROVAL OF THE LAND USE ADMINISTRATOR OR COUNTY HYDROLOGIST. DEVELOPMENT SHALL NOT IMPURE HISTORIC FLOW RATES OR PATTERNS TO OR FROM THESE LOTS.
- THESE LOTS ARE SUBJECT TO SANTA FE COUNTY FIRE AND RESCUE IMPACT FEES AT THE TIME OF APPLICATION FOR BUILDING PERMIT.
- SANTA FE COUNTY'S APPROVAL OF THIS SURVEY PLAT DOES NOT INCLUDE THE CONSTRUCTION OF THE PRIVATE EASEMENT(S) OR ROAD(S) AS SHOWN, PRIOR TO THE CONSTRUCTION OF SAID PRIVATE EASEMENT(S) OR ROAD(S). IT IS REQUIRED THAT AN ADDITIONAL DEVELOPMENT PERMIT BE APPLIED FOR AND THEN APPROVED BY THE SANTA FE COUNTY LAND USE ADMINISTRATOR.
- THE PARCELS AS PLATTED HEREIN ARE SUBJECT TO ARTICLE VI SECTION 3 OF THE SANTA FE COUNTY TERRAIN MANAGEMENT REGULATIONS AT THE TIME OF ANY DEVELOPMENT.
- SOILS RATING: PURSUANT TO THE SANTA FE COUNTY LAND DEVELOPMENT CODE, THE SOILS RATING ON THIS PROPERTY IS DESIGNATED AS BEING MODERATE/SEVERE REGARDING LIMITATIONS TO SEPTIC TANKS. POTENTIAL BUYERS/SELLERS OF THIS PROPERTY SHOULD INQUIRE WITH THE NEW MEXICO ENVIRONMENTAL DEPARTMENT WHETHER THESE SOILS ARE SUITABLE FOR A CONVENTIONAL SEPTIC SYSTEM OR IF AN ALTERNATIVE SYSTEM IS REQUIRED.
- WATER USE/WELL WITHDRAWAL ON THESE TRACTS IS RESTRICTED BY COVENANTS FILED IN THE OFFICE OF THE COUNTY CLERK AND RECORDED AS DOCUMENT NO. 155716211.
- ALL DEVELOPMENT SHALL OCCUR WITHIN BUILDABLE AREAS AS PER THE SANTA FE COUNTY LAND DEVELOPMENT CODE.
N/F LAS LOMITAS L.L.C.
INST. No. 1416420
- NEW DRIVEWAY/ROAD ACCESS FROM HAGER ROAD/LOS SIENOS TRAIL IS SUBJECT TO APPROVAL BY THE PUBLIC WORKS DIRECTOR. THE DIRECTOR SHALL APPROVE THE LOCATION AND INSTALLATION OF A CURB/IF NEEDED AS PERMITTED BY SANTA FE COUNTY PRIOR TO ISSUING A PERMIT FOR CONSTRUCTION.
- THE SUBDIVISION DISCLOSURE STATEMENT REGARDING THESE TRACTS IS FILED IN THE OFFICE OF THE COUNTY CLERK AND RECORDED AS DOCUMENT NO. 155716212.
- THESE LOTS ARE SUBJECT TO A JOSE OPEN SPACE REQUIREMENT. NO DEVELOPMENT MAY OCCUR WITHIN THE DESIGNATED OPEN SPACE.
- LOTS 8 AND 14 ARE DESIGNATED AS H.O.P. LOTS.
- 15' TRAIL EASEMENT IS FOR PUBLIC PEDESTRIAN, EQUESTRIAN AND NON-MOTORIZED USE.
- THE SUBDIVISION SHARED WELL AGREEMENT REGARDING THESE TRACTS IS FILED IN THE OFFICE OF THE COUNTY CLERK AND RECORDED AS DOCUMENT NO. 155716213.
- PUBLIC OPEN SPACE AND TRAILS AS SHOWN ARE DEDICATED TO THE HOMEOWNERS ASSOCIATION.
- LANDS SHOWN HEREIN LIE PARTIALLY INSIDE THE 100 YEAR FLOODPLAIN IN ZONE "X" ACCORDING TO THE FEDERAL FLOOD INSURANCE RATE MAP PANEL NO. 350069 0164 B.
- ALL BUILDABLE AREAS SHOWN HAVE SLOPES OF LESS THAN 15% AND THERE ARE NO NATURAL DRAINAGEWAYS OTHER THAN THOSE SHOWN AS DRAINAGE EASEMENTS.
- MINIMUM FLOOR ELEVATION FOR ALL STRUCTURES SHALL BE ONE FOOT ABOVE THE 100-YEAR FLOOD ELEVATION. FLOOD ELEVATIONS SHOWN ARE APPROXIMATE AND SHALL BE VERIFIED BY A PROFESSIONAL ENGINEER.
- THE LANDS SHOWN HEREIN LIE WITHIN THE PLATTING JURISDICTION OF THE CITY AND COUNTY OF SANTA FE (3 MILE E2).
- ALL DEVELOPMENT SHALL OCCUR WITHIN BUILDABLE AREAS AS PER THE SANTA FE COUNTY LAND DEVELOPMENT CODE.
N/F ARCHDIOCESE OF SANTA FE
BOOK 1600, PAGE 062
- (A) FIRE HYDRANT(S) SHALL BE INSTALLED AT THE WATER SERVICE LINE IS INSTALLED ON THIS PROJECT. NO BURN SHALL BE GRANTED UNTIL SUCH TIME AS THE FIRE BEEN TESTED AND APPROVED BY THE COUNTY.

EXHIBIT
8



4IT CONDITIONS
PRESSION SYSTEM IS DEVELOPMENT
T BE ISSUED UNTIL DETECTION AND TAF.
E OF THE COUNTY
MEYR NO. 5338, DO AS PREPARED FROM AN MY DIRECT SUPERVISION, BE FIELD SURVEY UPON STANDARDS FOR
9/26/08
DATE

REFERENCE DOCUMENTS
1. PLAT ENTITLED 'LOT SPLIT & LOT LINE ADJUSTMENT PLAT REQUESTED BY THE ESTATE OF RICHARD M. HAGER CREATING SEVEN LOTS', PREPARED BY RICHARD A. ORTIZ N.M.P.S. No. 8453 AS FILED IN THE OFFICE OF THE SANTA FE COUNTY CLERK IN PLAT BOOK 383, PAGES 012-013.
2. SPECIAL WARRANTY DEED FROM THE ARCHDIOCESE OF SANTA FE CATHOLIC FOUNDATION TO OSO I INVESTMENTS, L.L.C. AS FILED IN THE OFFICE OF THE SANTA FE COUNTY CLERK AS INSTRUMENT NO. 1418048.

COUNTY CLERK
DOCUMENT NO. 1557670
I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD ON THE 12th DAY OF SEPTEMBER AD 2010 AT 10:19 O'CLOCK A.M. AND WAS DULY RECORDED IN BOOK 383, PAGE 037 OF THE RECORDS OF THE SANTA FE COUNTY.
WITNESS MY HAND AND SEAL OF OFFICE
COUNTY CLERK OF SANTA FE COUNTY, N.M.
Cecilia Tronter
COUNTY CLERK OF SANTA FE COUNTY, N.M.

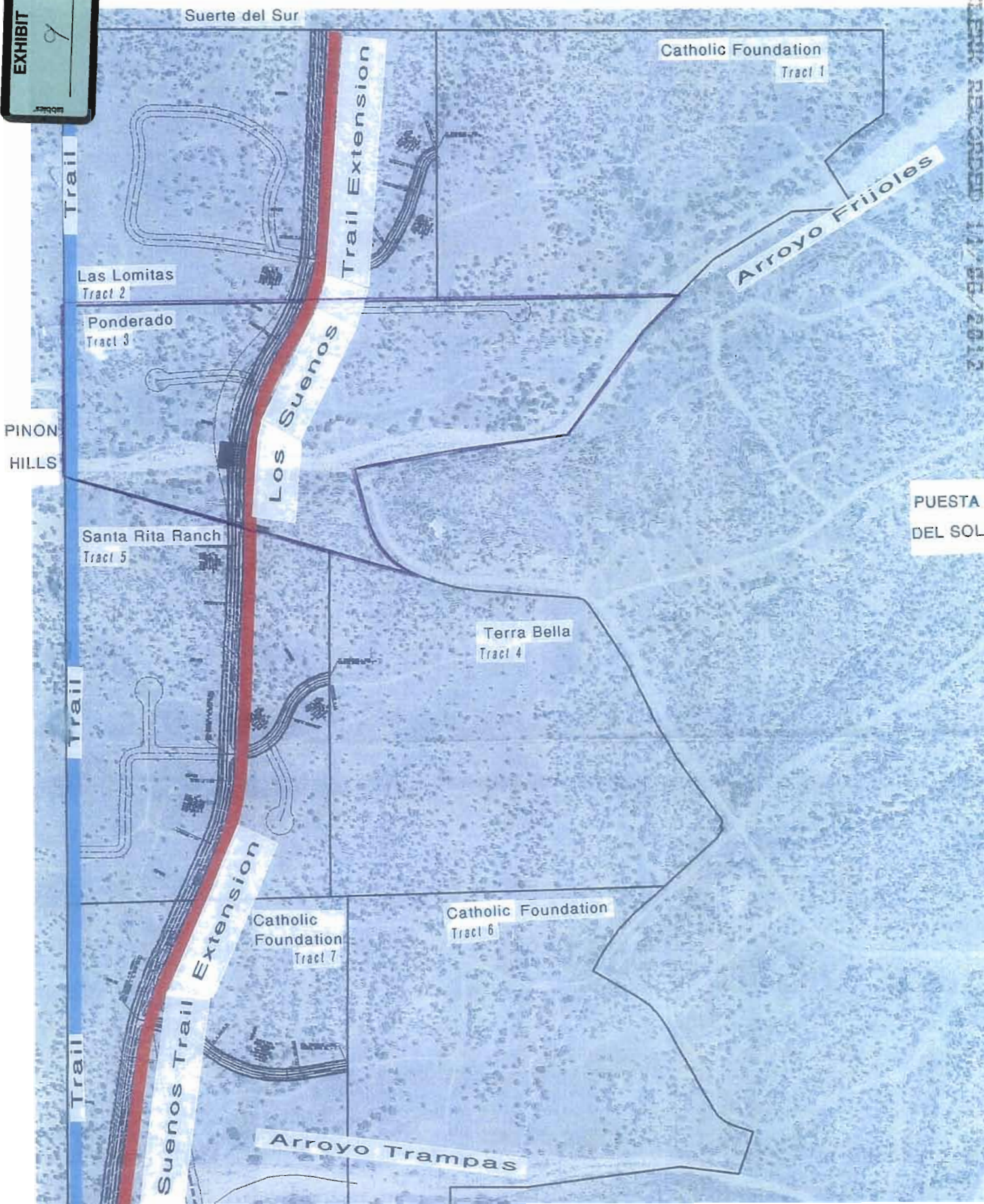
LAND DIVISION OF
PHASE 1 & 2A
PONDERADO
LOCATED AT THE END OF CAMINO PERALTA, BEING LOT 3 OF ESTATE OF RICHARD M. HAGER LOT SPLIT, WITHIN SECTION 30, T. 17 N., R. 9 E., N.M.P.M. COUNTY OF SANTA FE, STATE OF NEW MEXICO
PURPOSE: THIS PLAT CREATES 2 RESIDENTIAL LOTS
U.P.C. 1-049-098-094-376
INDEXING INFORMATION FOR COUNTY CLERK
OWNER(S): OSO I INVESTMENTS, L.L.C.
RECORDED DOCUMENT(S): SPECIAL WARRANTY DEED INSTRUMENT NO. 1418048
SECTION(S), TOWNSHIP(S), RANGE(S): SECTION 30, T. 17 N., R. 9 E., N.M.P.M.
LOCATION: END OF CAMINO PERALTA

ALARID AND ASSOCIATES, L.L.C.
SANTA FE 1223 ST. FRANCIS DR. NEW MEXICO 864-1121



LOS SUENOS T.RAIL EXTENSION

EXHIBIT
9



Suerte del Sur

Catholic Foundation
Tract 1

Las Lomitas
Tract 2

Ponderado
Tract 3

PINON
HILLS

Santa Rita Ranch
Tract 5

Terra Bella
Tract 4

PUERTA
DEL SOL

Catholic
Foundation
Tract 7

Catholic Foundation
Tract 6

Arroyo Trampas

SPZ/CIEM/RECORDED 11/08/2012

Daniel "Danny" Mayfield
Commissioner, District 1

Virginia Vigil
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Commissioner, District 5

Katherine Miller
County Manager

Santa Fe County Fire Department Fire Prevention Division

Official Submittal Review

Date	8/31/2012		
Project Name	Joseph & Anna Garcia		
Project Location	3 Avenida Pita		
Description	Variance to allow small lot Family Transfer	Case Manager	John Lovato
Applicant Name	Joseph & Anna Garcia	County Case #	12-5130
Applicant Address	PO Box 5004 Santa Fe, NM 87502	Fire District	Hondo
Applicant Phone	505-470-8879		

Review Type	Residential <input checked="" type="checkbox"/>	Sprinklers <input type="checkbox"/>	Commercial <input type="checkbox"/>	Hydrant Acceptance <input type="checkbox"/>
	Master Plan <input type="checkbox"/>	Preliminary <input type="checkbox"/>	Final <input checked="" type="checkbox"/>	Inspection <input type="checkbox"/>
	Wildland <input type="checkbox"/>	Variance <input checked="" type="checkbox"/>		Lot Split <input type="checkbox"/>

Project Status Approved Approved with Conditions Denial

The Fire Prevention Division/Code Enforcement Bureau of the Santa Fe County Fire Department has reviewed the above submittal and requires compliance with applicable Santa Fe County fire and life safety codes, ordinances and resolutions as indicated (*Note underlined items*) :

Summary of Review

- Future building permits shall require a turnaround. (page #2)

Fire Department Access

Shall comply with Article 9 - Fire Department Access and Water Supply of the 1997 Uniform Fire Code inclusive to all sub-sections and current standards, practice and rulings of the Santa Fe County Fire Marshal

- **Fire Access Lanes**

CLERK RECORDED 11/05/2012

Section 901.4.2 Fire Apparatus Access Roads. (1997 UFC) *When required by the Chief, approved signs or other approved notices shall be provided and maintained for fire apparatus access roads to identify such roads and prohibit the obstruction thereof or both.*

- **Roadways/Driveways**

Shall comply with Article 9, Section 902 - Fire Department Access of the 1997 Uniform Fire Code inclusive to all sub-sections and current standards, practice and rulings of the Santa Fe County Fire Marshal.

Roads shall meet the minimum County standards for fire apparatus access roads of a minimum 14' feet wide all-weather driving surface.

At the time of building permit for the new lot, a turnaround shall be built meeting minimum Fire Department requirements of the 1997 UFC. The applicant shall submit application and plans to be approved by the Santa Fe County Fire Department.

- **Street Signs/Rural Address**

Section 901.4.4 Premises Identification (1997 UFC) *Approved numbers or addresses shall be provided for all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property.*

Section 901.4.5 Street or Road Signs. (1997 UFC) *When required by the Chief, streets and roads shall be identified with approved signs.*

- **Slope/Road Grade**

Section 902.2.2.6 Grade (1997 UFC) *The gradient for a fire apparatus access road shall not exceed the maximum approved.*

Slope shall not exceed 11%.

- **Restricted Access/Gates/Security Systems**

Section 902.4 Key Boxes. (1997 UFC) *When access to or within a structure or an area is unduly difficult because of secured openings or where immediate access is necessary for life-saving or firefighting purposes, the chief is authorized to require a key box to be installed in an accessible location. The key box shall be of an approved type and shall contain keys to gain necessary access as required by the chief.*

- **Fire Extinguishers**

Article 10, Section 1002.1 General (1997 UFC) *Portable fire extinguishers shall be installed in occupancies and locations as set forth in this code and as required by the chief. Portable fire extinguishers shall be in accordance with UFC Standard 10-1.*

General Requirements/Comments

▪ **Inspections/Acceptance Tests**

Shall comply with Article 1, Section 103.3.2 - New Construction and Alterations of the 1997 Uniform Fire Code, inclusive to all sub-sections and current standards, practice and rulings of the Santa Fe County Fire Marshal.

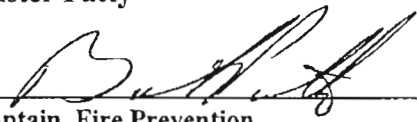
▪ **Permits**

As required

Final Status

Recommendation for Final Development Plan approval with the above conditions applied.

Buster Patty



Captain, Fire Prevention

8-31-12
Date

Through: David Sperling, Chief/Fire Marshal

File: DevRev Hondo/Joseph & Anna Garcia/8.31.12

Cy: Land Use Office
Applicant
File