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BCC MINUTES
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SANTA FE COUNTY

BOARD OF COUNTY COMMISSIONERS

REGULAR MEETING

September 13, 2011

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

BCC CLERK RECORDED 10/26/2011

SANTA FE COUNTY

REGULAR MEETING

BOARD OF COUNTY COMMISSIONERS

September 13, 2011

This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 2:05 p.m. by Chair Virginia Vigil, in the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

The Pledge of Allegiance led by Lisa Garcia, and State Pledge led by Teresa Casados, followed roll call by County Clerk Valerie Espinoza which indicated the presence of a quorum as follows:

Members Present:

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

Members Excused:

[None]

V. INVOCATION

An invocation was given by Ron Pacheco of Senior Services.

Chair Vigil asked for a moment of silence for Erlinda O. Sanchez who recently passed away from pancreatic cancer at the age of 62. Ms. Sanchez worked for the Park Service for 37 years, was a life-long member of Cristo Rey Catholic Church and a Eucharistic Minister. Her family was present in the audience.

VI. APPROVAL OF AGENDA

A. Amendments

B. Tabled or Withdrawn Items

KATHERINE MILLER (County Manager): Madam Chair, we have just a couple of changes to the agenda as it was posted in your packets. On page three, items XII, under Consent Calendar, B.2. that was just a change to the wording adding the agreement number. Under item XIII A.4 and 5, one was just an amendment to state it was a public hearing for item four and then item 5, was putting the resolution number and some changes there. Under item XIII. B. 3 and 4, those two things were added as updates for you. And then the only other thing is under the public hearings, item XIV. A. 4 has been withdrawn. Otherwise, the agenda is as published.

CHAIR VIGIL: Okay. Are there any other changes?

COMMISSIONER HOLIAN: Madam Chair.

CHAIR VIGIL: Yes.

COMMISSIONER HOLIAN: I move for approval of the agenda as amended.

COMMISSIONER STEFANICS: Second.

CHAIR VIGIL: Before there is a second I just wanted to mention that there is a proclamation honoring the of Shad Ireland and there is a gentleman who is flying in to receive that proclamation who has been delayed by flight in Arizona and was hoping to be here by 2 o'clock but won't be here until later. So we have informed him that we will take the proclamation when they arrive. So if that's okay with the seconder and the maker of the motion.

COMMISSIONER STEFANICS: Yes.

COMMISSIONER HOLIAN: Yes, it is.

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

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR VIGIL: Commissioner Mayfield.

COMMISSIONER MAYFIELD: What time do we anticipate getting to our public hearing just so we don't have a bunch of folks waiting out in the audience.

CHAIR VIGIL: Who is hearing for a public hearing? Okay, and you're here for the Capitol Grounds Café; is that what you're here for Mr. Bonal? Item 2, okay, that's Santa Fe Liquor. You know, Mr. Bonal, I actually, what we can do is call you around 4 or 4:40 and let you know. It's usually around 5 o'clock, however, we have an executive session that is going to last awhile. We will have somebody contact you and I have your number so I'll give that to one of the constituency services and we'll call you around 4 or 4:30 and let you know where we're at that way you're not waiting the entire afternoon. Anybody else here for that? None.

COMMISSIONER STEFANICS: And, Madam Chair, could we reiterate when we're going to think that we're going to be doing the redistricting discussion.

CHAIR VIGIL: I think we're trying to do that between 4 and 5. Four o'clock is what we're trying to gauge for. But we'll get a hold of you, Mr. Bonal. Thank you.

VII. APPROVAL OF CONSENT CALENDAR

A. Consent Calendar Withdrawals

CHAIR VIGIL: Are there any items on the consent calendar that any of the Commissioners wish to withdraw?

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR VIGIL: Yes.

COMMISSIONER MAYFIELD: On consent calendar, miscellaneous B.1 and B.2 I would like to withdraw.

CHAIR VIGIL: Okay. Any others?

COMMISSIONER HOLIAN: Madam Chair, I move for approval of the consent calendar minus the withdrawn items.

COMMISSIONER STEFANICS: I'll second.

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

XII. CONSENT CALENDAR

A. Final Orders

1. **CDRC Case # V 11-5090 Suzanne Teng Variance. Suzanne Teng, Applicant, Santa Fe County Open Space and Trails, (Colleen Baker), Agent, Requested a Variance of Ordinance No. 2007-2 (Village of Agua Fria Zoning District), Section 10.6 to Allow a Land Division of 2.55 Acres Into Two Lots; One Lot Consisting of 1.51 Acres and One Lot Consisting of 1.04 Acres and to Allow Two Dwelling Units on 1.51 Acres. The Property is Located at 1673 Camino McMillin, West of Siler Road, within Section 32, Township 17 North, Range 9 East, (Commission District 2) Approved 5-0 Wayne Dalton**
2. **CDRC Case # V 11-5030 Ivan Salcido Variance. Ivan Salcido, Applicant, Requested a Variance of Article II, Section 4.3.2c (Family Proper) of the Land Development Code to Allow a Family Transfer Land Division of 2.8 Acres Into Two 1.4 Acre Lots From Sibling to Sibling. The Property is Located at 17 Corral Blanco Road Off the East Frontage Road, South of the N. M. 599/I-25 Intersection, within Section 4, Township 15 North, Range 8 East, (Commission District 5) Approved 5-0 Wayne Dalton**
3. **CDRC Case #VAR 10-5560 Juan Lozoya Variance Juan Lozoya, Applicant, Requests a Variance of Article III, Section 10 (Lot Size Requirements) of the Land Development Code to**

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Allow Four Dwelling Units on 1.25 Acres. The Property is Located at 31 Cerro Del Alamo, within Section 28, Township 16 North Range 8 East, (Commission District 3). John M. Salazar, Case Planner DENIED 5-0

B. Miscellaneous

1. Request Authorization to Enter Into Agreement #2011-0187-CORR/TRV with Sierra Detention Systems to Replace, Repair and Upgrade Door, Intercom & Camera Systems at the Adult Detention Facility in the Amount of \$483,077.00 (Corrections Department) **WITHDRAWN FOR DISCUSSION**
2. Request Authorization to Enter Into Agreement #_____ with Las Campanas Golf Course (LCGC), for it to Purchase Raw Water Supply Services as a Class Wholesale-2 Customer of the County Utilities (Public Works Department) **WITHDRAWN FOR DISCUSSION**

C. Budget Adjustments

1. **Resolution No. 2011-135, a Resolution Requesting an Increase to the Economic Development Fund (224) to Align the Fiscal Year 2012 Budget with the Available Balance for an ARRA Grant Awarded Through the Energy, Minerals and Natural Resources Department/ \$25,200 (Growth Management Department)**

VIII. APPROVAL OF MINUTES

A. Approval of August 9, 2011 BCC Minutes

CHAIR VIGIL: Are there any changes by any members of the Commission?

COMMISSIONER STEFANICS: Madam Chair, I move for approval of the August 9th 2011 BCC minutes.

COMMISSIONER HOLIAN: Second.

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

IX. SPECIAL PRESENTATIONS

- A. **Special Presentation By Coast2Coast Representatives to Launch the Santa Fe County FREE Prescription Drug Card (Community Services/Health and Human Services) [Exhibit 1: Information Packet]**

STEVE SHEPHERD (Director Health and Human Services): Madam Chair, Commissioners, I would like to introduce Marty Dettlebach with Financial Marketing Concepts. He is going to give you an overview of the card and talk a little bit about it and answer any questions.

CHAIR VIGIL: Welcome.

MARTY DETTLEBACH: Thank you, Steve. I want to thank the Board of Commissioners for approving this program which is going to save hopefully a lot of money for Santa Fe County residents. We believe it is an upgrade over the previous card that the County had for a number of years and the reason it is an upgrade is first off our national average this year with our millions of cardholders is 55 percent savings for our cardholders and their families and besides which we are also believing that the County personnel that used to have to distribute the previous card will not have to distribute the current card as we've already done that. We have distributed to pharmacies. We've distributed to a lot of the governmental entities and health clinics and hospitals and we were even at Zozobra and Fiesta for the four days of the festivals. We handed out over 4,000 cards to residents and potentially non-residents just to make a point that non-residents can use this card. They can use it anywhere in the United States and Santa Fe will get credit for it.

The other reason that this card is that besides the 55 percent to about the 20 percent that cardholders had been averaging with the previous card, the cards are more readily available between the pharmacies and online and also at the different health centers and hospitals and even the libraries in the County have the cards as well or will have them shortly.

The other main point is that we do pay a royalty to the County of \$1.25 per paid prescription. We believe that ultimately the County could be looking at 3, 4, 5 maybe \$6,000 a month depending on the utilization. Another reason that this card is an upgrade is that we add six or five additional benefits besides the prescription benefit and by the way, all of the benefits are available not only to the cardholder but to the cardholder's family so it becomes a mini-discount plan. For example, we are giving discounts now on dental and vision. So somebody can save anywhere from save 10 to 50 percent on each dental or vision procedure that they have or eye glasses. Same with hearing and also with lab and imaging. The providers can be found on our website which is coast2coastrx.com it also is going to be linked from the Santa Fe County website as well.

We have I think nine or ten dentists in the area. We have I think four or five or six, something like that, vision providers, all the national chains and some of the local providers. Hearing I think there is something like three or four providers and for the imaging there are three different providers and there is one provider for lab right now.

These are readily available through our website and that's on the card itself so they can go there and also there are toll-free numbers for residents to call if they don't have web availability.

We think this is a great program. It's certainly an upgrade. The key points of the program: there are no restrictions whatsoever. So anybody that has reached the age of majority can use it and they haven't reached the age of majority their parent or guardian can get prescriptions for them.

The savings, as I've said, range anywhere from a few percent for the brand names up to about 20 percent is the average on brand names and then generics range from about 40 to 95 percent. Yes, we even have 95 percent discounts. It's hard to believe but really that shows that a lot of the prescriptions that are available in the market place have

inflated values if you don't have health insurance or a discount card to go in you're going to be paying full price and with our card you should say hopefully anywhere, particularly on generics up to 95 percent. The average, again, this year between generic and brand name is about 55 percent. Of course, it just depends on what drugs you're getting for your family as to what you're going to receive.

The card is good, as I said, not only for the entire members of family, but the card is targeted for uninsured primarily. But that doesn't mean insured can't save. People with health savings accounts or high deductibles and many people have gone to high deductibles because of insurance to lower their premium cost each month so if they have \$1,000 or \$2,000 premium each month – excuse me, annually they might be able to use this card or should use this card during the time that they need to reach their threshold.

So, for insured again, if they don't have a particular drug coverage they can use our card and we cover about 60,000 different drugs and the card is honored at 59,000+ chain and independent pharmacies. Every single chain in the United States will honor the card and so will about 95 percent of the independent pharmacies. If by chance there's an independent pharmacy that is not on our list here in Santa Fe, we're very happy to add them if they would like to be added to the program.

So, we're very open and try to get as many pharmacies as possible to participate and we have about 97 percent of the pharmacies in the United States that belong to our program so anywhere somebody goes with the card whether it is here in Santa Fe County or elsewhere around the country they can save on using this card.

One other great facet of the program is any prescription that is available for human consumption can be filled as a pet prescription. So if you have pets that need something other than flea or tick medicine or something particular that is only prescribed for pets you can take this card in and use it and save on your pets. I've done that. I have a number of dogs and believe me over the years I've saved hundreds if not thousands of dollars on medications for prescriptions so it's really a valuable asset, you know, to have.

In terms of Medicare Part D, you know with the health bill and everything and the state in flux, all I can say is in the past if somebody reached the donut hole they didn't have any coverage whatsoever, they could use our card during that time. And, I think even Medicare Part D has made it easier now for people with a discount card to use it for anything that might be out of pocket expenses while they're in the donut hole. But, again, that's a little tougher to discern because I'm not sure whether the federal government has really ruled on everything with regard to Medicare Part D and the new health law.

In terms of information, we have a bunch of information here that shows exactly what I've probably indicated in terms of the items that are available under the card. Not on there are the dental vision and hearing. We also have now diabetes savings program while it's on printed on the card if people go to our website they'll be able to save a great deal of money on their diabetes testing supplies and, and any meters or other things that they want to purchase.

We think it's a great program and we really appreciate, again, the Board's approval of the program. We hope to be standing here a year or two from now and telling you the great successes of what we've done. And, one good thing is that we call

the pharmacies every two months. We stay in contact with everybody that has cards about every two or three months. So, again, we don't want anywhere to run out of cards because that's how people are going to be using the program. And, so, again, I hope that we're able to provide additional royalties stream to help one or more of your health programs or wherever the funds are allocated.

I was wondering if anybody had any questions?

CHAIR VIGIL: Questions? Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Madam Chair. Thank you for your presentation very much. I am hoping that it will help with the animal prescriptions because I was denied in the last one. And I understand there is a formula. But, Steve, this is really for you, could you probably get a couple hundred of the cards to each of the Commissioners because we go to town hall meetings and community meetings and that we can have them and have our staff do the handouts but if you could get us the cards that would be great.

Let me ask the question of our Coast2coast representative, if – you mentioned something about people out of County using it; how does that work then?

MR DETTLEBACH: Well, the card is good anywhere in the County and on the card itself there is a co-group code called Santa Fe. So if that is filled in the State of Washington, Washington, DC or Florida it tracks back in terms of the royalty in terms of the County. Our cards every card that we have in the United States actually we like to look at the fills because they start going to 10 or 20 different states. [inaudible-audio problems] We printed 90,000 cards for Santa Fe County. That doesn't mean that all 90,000 are in the public's hands but they hopefully they will be between all of the distribution points.

COMMISSIONER STEFANICS: Thank you, and, again, the limitations that the public should be aware of, what are they?

MR. DETTLEBACH: The formula that we have does not cover GPA controlled substances. We decided to not go that route. The Sheriff's Department in a Florida county said they found the card was being used for some of five controlled substances so we decided not to include GPA controlled substances.

COMMISSIONER STEFANICS: Okay, thank you, Madam Chair. But you mentioned that some of the diabetes supplies would be discounted at this point in time but what about some tobacco prevention items?

MR. DETTLEBACH: We actually have that through the pharmacy benefit manager, WellDyne Rx out of Colorado, if somebody calls our 800 number there's a means to get them a smoking cessation program item discounted.

COMMISSIONER STEFANICS: Great. Thank you very much, Madam Chair.

CHAIR VIGIL: Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Madam Chair. Thank you very much for the presentation. It really sounds like this is going to be a great thing for the people of Santa Fe County. My question is that my understanding is that people can pick up the cards in pharmacies, participating pharmacies; is that correct?

MR. DETTLEBACH: Yes, and while the pharmacies don't have to be pick-up locations as well call them, most of them are agreed to. Sometimes unfortunately one employee doesn't know what the other is doing and they'll discard them and we have to refill them. In the first week or two there is a lot of that that goes on but thereafter they usually have it. It's getting a little tougher because pharmacies are the ones that are actually paying for the program because they're paying part of their professional fee that they charge on about 75 percent of the prescriptions whether you have insurance or if don't have insurance they're paying out of that professional fee. That's how the royalty is derived it does not increase cardholder cost because they would be paying it whether they had a card or not or whether they had insurance or not. Part of the co-pay in insurance stays at the local pharmacy as a professional fee and that's what they're doing. They're also giving up huge margins to drive people in and the reason they do this is it's a marketing advertising technique for them to drive people in because certainly when people go in whether it's a grocery store pharmacy or department store pharmacy or any kind of pharmacy just a regular chain pharmacy they're getting the foot traffic in and they expect people to buy other items there. They want to create loyalty and want people to house their prescriptions at their place. So, they're giving again margin and they're giving up a part of their professional fee to us to fund the program.

That being said, with the economy being what it is right now, 25 percent less people in the United States are seeing doctors, 25 percent less are filling prescriptions prescribed by doctors and that ultimately helps – you know, the health outcomes for county and the state and/or federal entities because much more – much more involved if the people aren't taking their medication. So, that being said, that the pharmacy while they have the cards they don't always give them out like we want them to, to 100 percent of the people. They probably give them out to the most needy. So it's very important for county residents to get their own card and bring it in because then the pharmacies always will accept it. So, while we expect the pharmacies to hand out cards they don't always do it when they should. We try speak to them and get them to tell them the idea is to bring in foot traffic in and they know that and so hopefully they'll hand them out.

COMMISSIONER HOLIAN: So, are there other places that people can get the cards, say at some of our non-profits, Women's Health Services, something like that? Would there be cards there or where else can people get them?

MR. DETTLEBACH: We were given a list by Steve's office to distribute and contact and we have contacted them by our home office and sent cards out to any of them that wanted them. We're certainly very agreeable to expanding that list so if anybody wants to let Steve know of some additional places or to make certain that we did contact those, we are happy to do that. But the libraries in the County either today or tomorrow will have all of them. All of the County governmental entity offices should have cards and we have posters as well that I'll be leaving here so that we can publicize the program.

We want to thank the media that has already started publicizing the program because that is the best way. That's our mouthpiece to the public to let them know that this is out there.

COMMISSIONER HOLIAN: And so how do people activate the card? Do they have to fill out a form and send it in or do they just use it?

MR. DETTLEBACH: They just go in and use it. Basically, it's like using an insurance card for the first time. So if they have a prescription and this card or they are handed the card by the pharmacy, they really don't even have to fill their name out on it. None of their information is ever shared with us. In fact, all we get is that if someone filled a generic or brand name drug and we get the amount of savings. WellDyne Rx our pharmacy benefit manager has a little bit more information but we're both HIPAA compliant and again if any of you use the card today we would never know that you used it. So we don't re-contact you or do anything even if it asks. On our card it says give a 10 digit number which is usually people give their phone number but they can give any 10 digit number; do it doesn't really matter. And that information stays, even WellDyne Rx our PBM doesn't get that, that stays with the pharmacy. So in terms of privacy you'll never get contacted.

There were some instances with the previous program that you had that some people had told us that they do get contacted. But they switched to mail order which drives business out of the County. We don't do that. We don't even include mail order in our program even though WellDyne has a great mail order program. We want the business to stay local.

COMMISSIONER HOLIAN: Thank you.

CHAIR VIGIL: Any other question? Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, thank you and thank you for this presentation. It's great and it's also no cost for the card. So that's a great benefit. Just a couple suggestions and Steve maybe you have done this. We can have them in our Treasurer's Office, in our Clerk's Office – we have a lot of walk-in traffic to both those elected offices. And, then if any of those offices are doing general mailings, it would cost nothing to just stick this in the mailer that we are already incurring postage for and just put that in there, Steve.

Sir, as part of maintenance medicine, say insulin, if folks are getting a 90-day supply, can they call whoever they are getting that 90-day supply and ask if they would accept this?

MR. DETTLEBACH: Well, what's great about our program, Commissioner, is that we actually allow this – this program is one of the few discount cards and maybe the only one that allows the 30, 60, or 90-day prescriptions. And we find that the 90-day prescriptions are very close to mail order price, maybe 5 percent or so greater, and, so, again, keeping the business local here is what we're trying to do. Yes, all of the maintenance drugs that anybody has to take are available 30, 60 or 90 days. And, just to echo, and to bring up your suggestion we are very happy to print up a lesser costing – or lesser weight discount prescription card. We've done bill inserts into tax and to utility statements that are mailed out so we certainly are very willing to do a lesser weight card or even like a bucks slip so that the people within the county can get it through the mailing from whether it's tax, or water or utility bills.

COMMISSIONER MAYFIELD: Thank you. And, the way the County receives money from this is when an individual, such as myself, uses this card. It registers and we get a reimbursement back?

MR. DETTLEBACH: Yes. For every prescription is filled and as our contract with the County there is about 75 percent of the time I said, that the pharmacies charge this professional fee, there's a thing called a usual and customary that unique and pharmacy chain and independent determines what are usual and customary; but roughly 22 to 23 percent a month in our program end up being usual and customary. In your previous program that was about 30 to 32 percent. So you'll actually get paid more from our program because we have less usual and customary drugs it seems. So just picture 100 drugs filled and for every drug filled you're going to average 77 to 78 payments from us. We pay, since we started this in September, the first payment will be the first week in November and every 30 days thereafter. So we're running one month behind because it takes that long for the pharmacy to get us the money.

COMMISSIONER MAYFIELD: Thank you.

MR. DETTLEBACH: Sure.

CHAIR VIGIL: Thank you very much for that presentation. I will say that the previous card I used for seamless because I didn't have to use it all the time once I go to a pharmacy on a regular basis it's in their database and I automatically get a benefit. I think if you switch pharmacies you have to place yourself on their database but if you use the same pharmacy it makes it a little convenient in terms of them having that information in their database. So I appreciated it and I appreciate your being here. Thank you so much.

MR. DETTLEBACH: Thank you. Appreciate the time, thank you.

- IX. C. **Certificate of Appreciation to Lisa Garcia and Lynn Hathaway for Their Work and Contribution to the Maternal and Child Health Planning Council (Commissioner Vigil)**
- XI. A. **Resolution No. 2011-136, To Recognize the Santa Fe County Maternal and Child Health Planning Council on its 20th Anniversary of Work on Behalf of the Health and Well Being of Childbearing Women and Families in Santa Fe County**

CHAIR VIGIL: I am really honored to do this. Lisa and Lynn if you'll sit up front. First of all, I'd like to recognize other members of Maternal and Child Health who are here: Ron Hale, who also happened to be one of our first Health Policy and Planning Commissioners, Ron would you please stand. Thank you for being here. Chris Tower, thank you for being here, Chris. Barbara Sandoval, Barbara sat way in the back, thank you for being here. And, Lynn, Hathaway, I just want to say a few words about Lynn Hathaway. I guess when I first learned about Maternal and Child Health was when the Commission was doing the zero to three initiative and we actually enacted a resolution promoting that. Also, there was some transition going on with Maternal and Child Health and there were some ambitions of whether or not it should be fully

autonomous, whether or not it should still be connected. The Health Policy and Planning Commission was created and there were transitions occurring with that.

Maternal and Child Health has gone through quite a few transitions but one of the things that has been constant is this lady in front of us, Lynn Hathaway. Lynn, I have to tell you that I so appreciate your commitment to Maternal and Child Health and I always speak to the fact that one of the first impressions that I got that was so critical for affecting maternal child and health infants was the book that was read and the educational outreach that Maternal and Child Health had in terms of the things that need to be done to prevent even, even, the volume of inmates that we have in our prison. There was a book called *Ghosts from the Nursery* and many of you may know it. That book specifically talked to the data that was followed when it looked at newborns and infants and their inability to bond with somebody and when that did not occur how that particular infant was like 99.9 percent likely to become an inmate in one of our detention facilities. I don't know if it was quite that much but it was profound. And that impressed me quite a bit. I think if we continue to support programs such as yours we're in the right direction. In my mind it has always been about prevention.

Lynn, if you would stand as I read: The Board of County Commissioners and County Manager hereby acknowledges your commitment, dedication and outstanding contribution to the Santa Fe County Maternal and Child Health Planning Council presented on this 13th day of September 2011.

And, you are welcome to say a few words before we hand this to you.

LYNN HATHAWAY: I'd like to do that. Commissioners, it's been my privilege to be a part of the Maternal and Child Health Council all of these years. And I've really been impressed with what the Council has been able to accomplish over the years. We've had monthly council meetings with direct service providers where information is exchanged that strengthens the support for young families and young children and their families. The County's zero to three strategic plan that you mentioned, Virginia, stated that we all children in Santa Fe County to have opportunities to thrive. And that certainly is still the case. And, I think the Council has helped to make that happen.

The MCH Council has looked at the bigger picture affecting the health of young children and their families and it has been a leader among health councils throughout the state. Most importantly, the Council speaks for a population that no one else speaks for: women and small children.

Thank you to the Council members and to the Commissioners for providing the infrastructure to have this happen.

CHAIR VIGIL: Thank you, Lynn and if you'll stand by I'm going to recognize Lisa Garcia. Lisa I met when she was first – we stole her from County Extension and 4H she was working on a program where we were trying to connect with substance abuse prevention and she was quite useful. We all became well aware of her abilities to become a wonderful administrator, so we stole her from there. And she is now working with Santa Fe County and has been the staff support for Maternal and Child Health. She is moving on from that but you cannot go without recognition, Lisa. So with that the Board of County Commissioners from Santa Fe County acknowledges your commitment, your dedication, and your outstanding contribution to Santa Fe County

Maternal and Child Health Planning Council presented on this 13th day of September. And you can address the Commission before we give you your certificate.

LISA GARCIA: Thank you for the recognition. It's been an honor and privilege to serve as the coordinator for the Maternal and Child Health Council for the past five years. The years have just flown by because there's always work to be done and just appreciate being able to serve in that capacity. It's going to be a big void with me not being able to be directly involved with all the people I have been able to work with over the past five years. I also wanted to mention to you, Commissioner Vigil, that you were talking about the importance of bonding as babies, I have a package to give each of you, a gift from the Council, and in that with the Project Launch monies that you guys are aware of that the state receives we produced, I worked with them, to produce a lullaby CD and it was a local production and we finally got it released and I've got those in the packets to share with you and the whole idea of that is that they're trying to work on focusing on maternal depression so this CD is a product of our County.

CHAIR VIGIL: Wonderful, thank you very much. Commissioners, if you would join me in handing out these certificates to these lovely ladies.

[Photos were taken and the certificates presented.]

CHAIR VIGIL: Great job.

COMMISSIONER STEFANICS: Madam Chair, since we have in fact produced these lullaby CDs I know there's an effort to make many more copies available for the public but this might be of great project for us to write up for NACo for their newspaper and also to have these available for the Western Interstate Conference next year and Lisa thought that might be amenable because somebody was already planning on making 1,500. So making an extra 400 wouldn't be too bad. So, thank you.

MS. MILLER: Madam Chair, I do have a note that Matters of Public Concern was crammed in there between these two items.

CHAIR VIGIL: Right. I would like to read the resolution honoring Maternal and Child Health. You know, you were so significant throughout the state that the state legislature created you and how long ago was that. I don't know; does anybody?

RON HALE: 1991, that's my recollection.

CHAIR VIGIL: This is a resolution recognizing the Santa Fe County Maternal and Child Health Planning Council on its 20th anniversary of the Maternal and Child Health Plan Act and the subsequent creation of the Santa Fe County Maternal and Child Health Planning Council:

Whereas, the Council continues to carry out the purpose of the Maternal and Child Health Plan Act, which is to: "Encourage the development of comprehensive, family-centered, community-based, culturally competent Maternal and Child Health Plans designed to coordinate available resources to meet the needs of childbearing women and their families, and thereby improve the long-term health of New Mexicans"; and

Whereas, the Council has facilitated the development and update of the Santa Fe County Maternal and Child Health Plan to consider the needs of childbearing families, determine the availability of existing services and identify needed services and service gaps in the community; and,

Whereas the Council, through funds from the New Mexico Department of Health, has disbursed over three million dollars for planning, coordination and direct service programs like Adolescent Reproductive Services, Family Planning, Prenatal Case Management, Health Promotion/Education, Youth Development, Home Based Postpartum Support, Emergency Child Care Assistance, Breastfeeding Support that benefit children aged 0-3; and,

Whereas, the Council was instrumental in establishing the Community Infant Program to address infant mental health and has faithfully advocated for continued funding of the program for the last 10 years; and whereas, the Council proposed and the Commission adopted "A Resolution Calling for Santa Fe County to Stand For Children" in 2001 and again in 2005 to acknowledge the importance of early parent-child interactions which have a profound impact on shaping the course and nature of social and emotional development of a child; and

Whereas, the Board of County Commissioners has appointed over 150 volunteer members to the planning council over the course of 20 years; and whereas, the Council has provided innumerable community-wide trainings lead by professionals in the maternal and child health field; and,

Whereas, the Council developed and distributed to agencies, families and community members over 30,000 Resource Directories for Families with Young Children; and,

Whereas, the Council supplied St. Vincent Women's Services with over 13,000 Welcome Baby Packets to give to new families with information about breastfeeding, child development, community resource support, parenting, domestic violence, oral health and home visiting services; and, whereas, the Council has improved its website to include easier access to information, expanded the Resource Directory for Families of Young Children to include northern and southern Santa Fe County and is currently developing an interactive directory for even greater access to information.

Now therefore, be it resolved, that the Board of County Commissioners recognizes the Santa Fe County Maternal and Health Planning Council, both past and present, for its years of service, and the devotion and dedication the Council has demonstrated in identifying and mobilizing resources to meet the needs of young children and their families in the Santa Fe community.

I will move to approve this.

COMMISSIONER STEFANICS: Second.

CHAIR VIGIL: And this is going to be Resolution 2011-135

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

CHAIR VIGIL: For those of you present from Maternal and Child Health – and Terri is that you? Terri Rodriguez from the City of Santa Fe please come forward. We will give you a formal copy of this resolution. We just have a packet copy today for your purposes. Will you come forward and we'd like to acknowledge you, shake your hands and take a picture.

X. MATTERS OF PUBLIC CONCERN – NON-ACTION ITEMS

None were presented.

XI. MATTERS FROM THE COMMISSION

B. Proclamation in Honor of Family Day – a Day to Eat Dinner with Your Children (Commissioner Vigil)

CHAIR VIGIL: The maternal and child health advocates would be advocating for this also. It's almost become a tradition that the Board of County Commissioners recognizes Family Day and interestingly enough this year we are proud to join President Obama, all 50 governors from throughout the United States and the mayors and counties, executives of more than 900 cities and counties in proclaiming and supporting Family Day.

With that I'd like to read the proclamation:

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 (CASA) 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 September 26, 2011 as Family Day – A Day to Eat Dinner with Your Children.

I'll move approval of this proclamation.

COMMISSIONER HOLIAN: Second.

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

CHAIR VIGIL: And this proclamation will be placed on the website to further encourage residents for this small participation on this one day of the year. Thank you all for being here.

XI. C. Proclamation in Honor of the 300th Fiesta De Santa Fe

CHAIR VIGIL: The next item on the agenda is one that I want to just give a little bit of a background every year for the Santa Fe Fiesta. The County Commissioners get invited to participate in opening ceremonies and this year Commissioner Mayfield and Clerk Valerie Espinoza and I were there. This proclamation was read and it was read knowing that action would be taken on it today. So I'd like to read the proclamation so that final action can be taken and the Santa Fe Fiesta Council can receive this as they were informed they would be.

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 Lujan Ponce de Leon, Marquis of La Nava de Barcinas to the Blessed Virgin Mary on the fourteenth day of September of sixteen hundred and ninety two; 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 issued by the Santa Fe City Council 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 -- and I want to make a correction on that. I think we'll have to amend this to include one additional year which is 300 years and I think that this error is made often because it really an error in subtraction when looking at the years. So, it actually is according 300 years of continuous observance 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 Jose de Vargas is portrayed by Andy Lee Lopez y Sandoval and the royal court of the Fiestas is represented by La Reina Samantha Antonia Tapia y Olguin 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, Herman Lovato y Lobato and each member past and present for preserving this historic event.

Now, therefore, we the Board of Santa County Commissioners hereby proclaim September 9, 2011 as; "the official commencement of the 300th Fiestas de Santa Fe"
I move for approval.

COMMISSIONER MAYFIELD: Second, Madam Chair.

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

CHAIR VIGIL: And I do believe that will be distributed to the Fiesta Queen, Don Diego de Vargas and to the Fiesta Council. And I did hear from them that they were very happy that we recognized the countless hours of volunteerism that the Fiesta Council puts into this. It just wouldn't be without them.

XI. OTHER MATTERS FROM THE COMMISSION

CHAIR VIGIL: Let's start with Commissioner Anaya.

COMMISSIONER ANAYA: I don't have anything, Madam Chair.

CHAIR VIGIL: Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Madam Chair. I would like to thank Robert Martinez. I know I thank him a lot but he really deserves it. This last month and a half has had a lot of rain and there's been some really heavy rain storms in District 4. I'm pretty sure that there have been road issues due to all of that rain and I have to say that I have not received any emails or phone calls from my constituents so all I can conclude is that our Roads Department is doing a great job of dealing with all of those issues. So, thank you very much Robert. And, I would also like to thank you for going out to meet with the constituents of the Apache Ridge area. I know that that's a private road and they probably had a different answer in mind than what they were actually given about what we could do but I know that they are very appreciative that you came out to look at it and laid out some options for them. So, I truly appreciate your being willing to go out anywhere, anytime to talk to people about road issues because that's one of our number one concerns in our County.

Another thing that I wanted to bring up is that I learned a very interesting lesson this last week. I learned that if you're going to put a commemorative sign in a community, it's probably a good idea to go out in advance with a cardboard mock-up so that they can actually see what it's going to look like. Having said that, I really, really would like to thank Carl and Tim from our sign department. They did an absolutely beautiful job of creating a commemorative sign with carving and the workmanship was just absolutely first-class. I would also like to thank Frank Jaramillo for helping me diffuse a very tense situation with a community and [inaudible] and Tina for putting the sign together and her grace under fire. It's really my responsibility our County staff did a terrific job and I really thank them for everything that they did. And, even so, I think that we may be able to come up with a solution that the community will be proud of and like.

The third thing is that I would to say congratulations to the League of Women Voters for winning the 2011 William S. Dixon First Amendment Freedom Award from the New Mexico Foundation for Open Government. What the Foundation cited was "...the League's collaborative, hands-on approach to making real transparency reforms happen in Santa Fe County." So I really think that the citizens of Santa Fe County and we here who work at Santa Fe County have benefited greatly from the hard work and expertise of the Santa Fe League in making our County more open, more transparent. So I would just like to say thank you and congratulations to them.

CHAIR VIGIL: Commissioner Mayfield.

SFC CLERK RECORDED 10/25/2011

COMMISSIONER MAYFIELD: Thank you, Madam Chair. I have a few matters I would like to discuss. One is again to thank our Road Department for all the work. I know that they are out there tirelessly working hard. I am getting a lot of phone calls and I will pass those on so that everybody knows. But a couple of roads that are in particular importance to me and all the roads in District 1 are important to me and all the roads in Santa Fe County are very important to me. But two roads in particular I am receiving an abundance of phone calls on. One is the road behind the Chimayo Fire Station that goes all the way to the Santa Cruz Dam. There is some folks that live down in there and they call in for grading and it's either happening or not happening. I know that there's been some explanations to them but that river may continue to run and if we can just keep them on our ticker and try to offer them some assistance, Mr. Martinez, I would really appreciate that. The second road that caused me some grave concern, I believe we even have it on one of my ICIP request, is Arroyo Alma West in La Puebla. That road is seriously a flood drainage but that is a County road. The County took that road over. How they took it over, when they took it over, why they took it over; somebody else knows but me. That being said we have an obligation and a duty to make sure that road is maintained. There is fiber optic that is running down the bottom side of that road and I listen to what the County tells me but I don't believe that because there's fiber that we are just not going to maintain that road.

I will go with our County Manager. I will go with Mr. Martinez. I will go and talk with WindStream Communications about seeing if we can put that fiber aerial so we can maintain that road for those residents down there. And, Robert, if you want to address that with me now, that would be great.

ROBERT MARTINEZ: Madam Chair, Commissioner Mayfield, I believe I sent you and Juan an email that Qwest or whatever their name is now.

COMMISSIONER MAYFIELD: WindStream Communication.

MR. MARTINEZ: They have decided to relocate that line aerial so it will not be a factor in getting a blade in there. The only thing we will have to worry about is any other underground utilities but this will provide quicker response.

COMMISSIONER MAYFIELD: Okay, and, Madam Chair, Mr. Martinez, just so I can help with the public information out there, I know you guys are first responders on all these floodings. You all still by State law have to call and ask for a line locate any time we do a grading of a County road even after inclement weather.

MR. MARTINEZ: Madam Chair, Commissioner Mayfield, yes. We're required to call for line locates as per the PRC. There is a fine of \$25,000 if we cut a line without utility line locates.

COMMISSIONER MAYFIELD: And, Madam Chair, Mr. Martinez, such as a fiber that's running through a ground that we are aware of, a lot of our County roads that probably have utility easements through them, we're already aware of where those utilities are; can't we talk with one call or talk with who we need to talk to, to sort of get a variance understanding. We know where that line is and to seeing if they – or how do you immediately respond to flooded roads then?

MR. MARTINEZ: Madam Chair, Commissioner Mayfield, when it comes to flooded roads usually the problem is erosion and we are backfilling so we don't need a line locate for adding material. We just need a line locate for any excavation.

COMMISSIONER MAYFIELD: Okay, thank you and thank you for addressing that issue in La Puebla and again if you need me to talk with anybody from the company I will.

Madam Chair, a couple of other issues. One is, and Mr. Martinez if you don't mind, we spoke about it but I've been getting a lot of calls on two roads in particular. One is County Road 98 out in the El Rancho Jacona/Jaconita area of excessive speeding and running stop signs, people flying down the road literally at 70 miles an hour, frequent accidents, rollovers and also the La Puebla road, the main road that runs through La Puebla. The County at one time had an ordinance that allowed us to do traffic calming and that's no longer an ordinance on the books?

MR. MARTINEZ: Madam Chair, Commissioner Mayfield, that is correct. The County had a resolution that created the traffic-calming program. That had a sunset provision on it and the resolution and the program is no longer active because of the sunset and also because of the lack of funding for this program.

COMMISSIONER MAYFIELD: Madam Chair, with your indulgence, I would still like to see about championing the resolution understanding that maybe there is inadequate funding but if we at least have a resolution on the books to be able to go and have community meeting to see what traffic calming options we do have if residents are pro or opposed to speed bumps, to roundabouts – let me ask this; how did we get that last roundabout out in the Richards Avenue area? Was that prior to the ordinance or after?

MR. MARTINEZ: Madam Chair, Commissioner Mayfield, the roundabout that was recently constructed was constructed by the Santa Fe Community College.

COMMISSIONER MAYFIELD: So that doesn't have to come through Santa Fe County if it was on our County road?

MR. MARTINEZ: Madam Chair, Commissioner Mayfield, Public Works and Land Use reviewed the roundabout. As a matter of fact, the County recommended to the Community College that that be a roundabout at that intersection.

COMMISSIONER MAYFIELD: So if residents chose to get together and pay for a roundabout in their area or pay for speed bumps we would not need an ordinance for that?

MR. MARTINEZ: Madam Chair, Commissioner Mayfield, we would because there were issues with the previous program where no public input was required as part of the application process. There were two instances where residents came before the Commission requesting that speed humps on certain roads be removed because they did not have the ability to comment on the speed humps being installed on the roads in their community.

COMMISSIONER MAYFIELD: The folks who were opposed to them?

MR. MARTINEZ: That is correct.

COMMISSIONER MAYFIELD: Again, if we can work, Robert, if you don't mind, Manager Miller, I am going to work to bring a resolution forward again to look at traffic calming.

Two other notes on this. One, what's the avenue or what's the procedure to deploy two things, a traffic study and/or the speed wagon? In particular these two road I just addressed. Folks are saying, "Danny, can you bring up a speed wagon that does the flashing that let's people know you're driving 65 miles per hour in a 30 mile an hour zone?" I've already spoken with the Sheriff to see if we can maybe have additional sheriff patrols out in that area and then also I noticed there are rumble-strips or not a rumble-strip but at least a meter strip that you put to see the flow of traffic.

MR. MARTINEZ: Madam Chair, Commissioner Mayfield, anytime we're requested to consider a three-way stop situation or some type of traffic change we will do a traffic study in house. We have the equipment to count vehicles and provide a report that shows the peak hours, the average speed, the 85 percentile and that type of data. Anytime a resident or a Commissioner is interested in us doing a speed all they have to do is contact us and we'll schedule one. As far as the driver feedback signs, which you called speed wagons, we also have some that are trailer-type and we also have some driver feedback signs that are mounted on post that we can circulate and place on different roads. All we need is somebody to say can you provide a traffic feedback sign/a driver feedback sign on a certain road and we will place it. I'm not sure what the process is with the Sheriff's Department but we will place them at certain areas when we get requests.

COMMISSIONER MAYFIELD: And, Madam Chair, Mr. Martinez, can we do that so a resident can request that not so much somebody having to contact me or maybe you or the manager, maybe they can just fill something out online and they can use – what's that system that we have?

MR. MARTINEZ: Madam Chair, Commissioner Mayfield, the Cartegraph system. I'm not sure if there is an application on there for requesting a driver feedback sign but we can look at including that on the Cartegraph system so that when this does go live to the public via the web portal, they can make that request through that mechanism.

But we do get calls from residents regularly requesting driver feedback signs and we place them.

COMMISSIONER MAYFIELD: Thank you and you said that one of those traffic studies can determine how fast somebody is traveling down the road?

MR. MARTINEZ: Madam Chair, Commissioner Mayfield, the traffic study we do with the equipment that we have can provide all of that data. Not the driver feedback signs. They don't have the capability to record data and speed.

COMMISSIONER MAYFIELD: Well, if I could formally request a traffic study on County Road 98 in the El Rancho Jacona area and also on the La Puebla Road. That La Puebla Road runs arguably three miles from one end to the other and there's been numerous accidents on it and a lot of speeding going on both those roads.

MR. MARTINEZ: Madam Chair, Commissioner Mayfield, do you mean County Road 84?

COMMISSIONER MAYFIELD: I thank you, 84.

MR. MARTINEZ: Okay, we will do that.

COMMISSIONER MAYFIELD: Thank you and then speed wagon, great, thank you, I appreciate it. Oh, Robert, last question and then I do have one more, how for road grading, I will take any phone call from the public, just so you all know that, but what's the general number that somebody can call and say, Look, we got flooding last night at midnight and we just want to... and I know when my power goes out I call Jemez Co-operative and I call a 1-800 number and I just put it in the queue with them, they will call back and say, yeah, we got 50 phone calls and you're the first person to call to let us know. How can residents call after hours to let your department know that they have some road problems going on?

MR. MARTINEZ: Madam Chair, Commissioner Mayfield, we have the 992-3010 number which is our main line at Public Works. After hours they can leave a message or there's also a message on the recording that gives them the number of non-emergency RECC number and in the event it is an emergency RECC will contact us and we will respond after hours and weekends and holidays.

COMMISSIONER MAYFIELD: Okay, and do we have that on our website? Do you know that, Ms. Miller? Can we do a press release on that just so people can have that number again fresh in their memory now with the flooding that is going on.

And, Mr. Martinez, your crew does a great job. I know you guys are all over the County and very busy. These are just two roads that are in serious need of some assistance. Thank you again for everything.

MR. MARTINEZ: Thank you.

COMMISSIONER MAYFIELD: Madam Chair, Ms. Miller a question for you. The department directors and you, you all have regular meetings or once a month or biweekly, how does that work just so I know?

MS. MILLER: Madam Chair, Commissioner, we have a staff meeting where we go over the agenda so that we make sure that everything is ready for the packets. We'll go through those. We have those on Mondays so that we can make sure that the deadlines are met for the packet materials and that the captions are correct and any amendments that need to be done within 24 hours of the next day's meeting.

COMMISSIONER MAYFIELD: Is it possible, at least for me, and I don't know if this Commission would entertain wanting to have it, but where the department director's could give us a once a quarter, annual update of what's going on in their department? I would like to hear from different department directors and I'm sure the public would like to hear just kind of an overview of what's happened in the last two or three months. If they could give us all an overview and if we could factor that into our administrative meeting and if not, if I could just get an email update on that if this Commission chooses not to want that.

And, then, Madam Chair, Ms. Miller, the department director meetings that's when you - you have a staff meeting, right? And then you have a secondary department director meeting; can our liaisons attend that meeting just to hear what's going on in unison with all the departments to see how information is going from one area to another?

MS. MILLER: Madam Chair, Commissioner Mayfield, the meetings that I have with the department directors usually have to do with personnel matters or things like and they don't last that much longer and they're not all the time. So, I don't think it is appropriate for other people to be at those meetings: it's a management meeting.

COMMISSIONER MAYFIELD: Sure, well, if it's aside from personnel. But I'm just talking about operational and what's going on with the County that's discussed at the staff meeting?

MS. MILLER: Madam Chair, Commissioner, the Monday morning staff meetings every department and division and liaisons are invited to those. We go around the room and discussion everything. Every other week we have meetings relative to director management meetings for the director.

COMMISSIONER MAYFIELD: On personnel?

MS. MILLER: It's personnel and other matters with their department.

COMMISSIONER MAYFIELD: But, Madam Chair, Ms. Miller, I guess what I'm getting at is – let me bring up one topic that's I'm going to bring up a little later. My community center out in Nambe, are the different department directors at that meeting talking about what my department is going to do for that and this is what your department is going to do for that and how we going to coordinate getting that project moving or is that done at a different meeting? That's where I would like my liaison to be present at those kinds of meetings.

MS. MILLER: Madam Chair, Commissioners, those types of things are brought up almost all the time at the other meeting. Any issue like that a liaison can bring up when everyone is there if they have concerns or questions about any project when everyone is there. They often do. Most times people don't ask any questions or raise something up like that.

We have meetings on particular projects based on when those are needed and if there is something of concern and you would like your liaison to be briefed on it and have a meeting about it they can ask.

COMMISSIONER MAYFIELD: Okay, and I know you and I have spoken but I still want to get a status of what's going on with the community center out in Nambe.

MS. MILLER: Okay.

COMMISSIONER MAYFIELD: I know there has been, I guess, some issues now with the well that have been brought up again and also the electrical tie-in. So I just want to see that project come to be, so I would appreciate that.

Last question or I guess I do have two more questions. The intergovernmental summit meeting I received a couple of emails of what's going on with it. I know I asked Ms. Miller to give me a couple of more inquires that I had. Where is the proposed site of this meeting to be, Las Campanas is what I've been told?

MS. MILLER: Madam Chair, Commissioner Mayfield, Hvtce is working on that. He has got quotes for a couple of places but the date that was proposed doesn't work so we'll be starting the whole process over.

COMMISSIONER MAYFIELD: So we're not locked into a venue yet?

MS. MILLER: Madam Chair, Commissioner Mayfield, no, it will depend on the date and then availability. I can tell you that the venues that were being narrowed down were based upon quotes and the requests were competitively reviewed. But it's all dependent upon the date that's picked and what's available and going through that process again.

COMMISSIONER MAYFIELD: Okay, thank you. I don't know if Mr. Pacheco is here. Last night I was at a meeting, they asked me to attend a meeting at one of our senior services meetings. Mr. Pacheco, folks are concerned, they're seniors, they're also volunteers and they received a letter I think from the City of Santa Fe, RSVP or RVSP –

RON PACHECO: RSVP.

COMMISSIONER MAYFIELD: And, I know we spoke about it at this bench I believe briefly but their concern is that they're being asked to have a criminal background check done upon them. It's very troubling at least for some of the folks that I spoke with. Can you address that, please?

MR. PACHECO: Madam Chair, Commissioner Mayfield, recently we became aware that – we were preparing to enter into MOU with the RSVP program, which is the Retired and Senior Volunteer Program, in that program, Madam Chair and Commissioners, there is about 100 seniors who are County residents or working in County facilities and because of our Ethics Ordinance that we have now, we're requiring seniors who are working in County facilities to undergo a criminal background check. When this came about, Commissioners, I notified the City that they were welcome to give my phone number so that any seniors who were concerned about this information could call me and I could let them know that we're simply following an ordinance that is on the books that requires us to have background checks conducted upon individuals who are working at County facilities. I think for the most part when they hear this it's a little bit troubling but when they understand that we're simply doing due diligence to make sure that anybody working at a County facility has no criminal issues they seem to be okay with it. I think, Commissioner, there will always be a couple of people who don't want to undergo this process and we completely understand that. However, due to the County's Ethic Code we are requiring volunteers to undergo this process and I'm trying to let seniors know that there's no red flag that has come up with any of them. We're simply following due diligence and trying to err on the side of caution.

COMMISSIONER MAYFIELD: Mr. Pacheco, who pays for this background check? Are they asked to pay for it? Is the County paying for this?

MR. PACHECO: Madam Chair, Commissioner Mayfield, the County pays for this.

COMMISSIONER MAYFIELD: Okay. Madam Chair, Mr. Pacheco and Mr. Ross, I know that we're going to – we're putting out our Ethics Ordinance again for public comment, maybe we could ask, if it's appropriate, Steve, that this be addressed as far as certain volunteers having to have this criminal background check done. Because basically they're attending and they're just helping other ladies and gentlemen out with artwork and they're saying, look, you're asking for a criminal background check on me now.

MR. PACHECO: Madam Chair, Commissioner, we understand in many cases it seems a bit much, however, with an ordinance on the books staff is making sure that we are following the ordinance and until we decide to adjust that ordinance staff is going to require these things to happen.

COMMISSIONER MAYFIELD: I appreciate that, Ron. Mr. Ross, is that possible to have that looked at?

MR. ROSS: Madam Chair, Commissioner Mayfield, what we're doing right now is we're reconvening the Ethics Board to address the volunteer issue. I think when I put the ordinance amendments together I didn't expect that volunteers were included, all volunteers, people who were just coming in to help us a few hours a day. What they have to fill out is a conflict of interest form and that's what they're being asked to fill out not a criminal background check. But it might be onerous for all the County volunteers to fill out these forms. So we're going to take this back to the Ethics Board and get their take on it and then bring the ordinance back with their recommendations. But I expect that we're going to ask the Ethics Board to consider a definition of a volunteer that would exclude most of these volunteers from that requirement.

COMMISSIONER MAYFIELD: Thank you, Madam Chair. Mr. Ross, then I believe I heard maybe conflict in your statement – they're the volunteers are required to complete a conflict of interest form or they are going to be asked to have a background check done on them?

MR. ROSS: Madam Chair, Commissioner Mayfield, I don't believe that there's any criminal background investigation going on –

COMMISSIONER MAYFIELD: Madam Chair, Mr. Ross, you may want to look at the letter that RSVP is sending to these folks because that's what has them –

COMMISSIONER STEFANICS: On this point, Madam Chair.

CHAIR VIGIL: Yes.

COMMISSIONER STEFANICS: RSVP is part of a state and federal program as well. And the volunteers do get certain types of credit for participating as a RSVP volunteer. My recommendation on this is that we look at what requirements there are for that state program. When you sign up for RSVP and I know this because of my parents, you are eligible for mileage reimbursement from the state. You are eligible for liability protection. You are eligible for a series of things as an RSVP volunteer. So I would suggest that we investigate what the state requires and maybe even minimize ours or make sure we're meeting it. But I know that RSVP is larger than Santa Fe County and larger than Santa Fe City.

Thank you, Madam Chair.

COMMISSIONER MAYFIELD: Thank you, Madam Chair. And, then, Ron, they're receiving something that says there will be a criminal background check not a conflict of interest form. I'll get you a copy of it. I know Ms. Brios has a copy of a letter.

MR. PACHECO: Madam Chair, Commissioner Mayfield, that is correct. I have seen that letter and it is calling for a background check and this is an issue.

COMMISSIONER MAYFIELD: Maybe we can give that to Mr. Ross.

MR. PACHECO: I can certainly forward it to him.

COMMISSIONER MAYFIELD: Then Mr. Ross can take a look at that. If it's a conflict of interest form I think that would be a lot easier or palatable for a lot of folks.

MR. PACHECO: Madam Chair, Commissioner Mayfield, I agree with you. It would certainly make our life easier.

COMMISSIONER MAYFIELD: Thank you. And, thank you for the great job with the senior transitions they have been very appreciative.

MR. PACHECO: Thank you, Commissioner, we appreciate it.

COMMISSIONER MAYFIELD: Madam Chair, my last question and I don't know who this goes out to. I believe we discussed this at our retreat. Maybe there was some – well, I know we didn't take any formal action at our retreat, but as far as the dump noticing, Ms. Miller or I don't know if Mr. Guerrerortiz is here, some folks are now hearing that the dump hours are changing, I think, Monday to Tuesday off. Has there been anything formal that has been done, formally sent out to folks? Is this been formally done administratively? Was I not here when this Commission took formal action on this if we needed to?

MR. MARTINEZ: Madam Chair, Commissioner Mayfield, it was discussed at the retreat. Commissioner Anaya had even made the comment that he had requested public meetings but not to have a public meeting just to appease him just for his district. We moved forward with notifying the public that these hours would change, the days and hours would change effective September 17th. We've done press releases with Kristine. We've handed out fliers at the transfer stations so we have been notifying the public.

COMMISSIONER MAYFIELD: Okay, thank you. When did the press release go out?

KRISTINE MIHELICIC (Communications Officer): Madam Chair, Commissioner Mayfield, it's actually scheduled to go out today. We were confirming that we're going to be also taking antifreeze and batteries so we were including that in the press release. But it is scheduled to go out today. But we have been posting at the transfer stations the new hours as well.

COMMISSIONER MAYFIELD: So we're giving folks what five days notice on a press release to change everything up? Can we maybe put that back and give people a couple of weeks notice?

MR. MIHELICIC: Definitely. We have been posting it and handing it out at the stations but we were waiting on the antifreeze and the batteries to include that in the information because we just received that.

COMMISSIONER MAYFIELD: Thank you, Kristine. And, Madam Chair, Mr. Martinez, are you in this changing of hours, can we just say what it is right now publicly?

MR. MARTINEZ: Madam Chair, Commissioner Mayfield, yes. All transfer stations will be open Sunday through Wednesday – I'm sorry. We will be closed

Monday and Tuesday all stations. So Wednesday through Sunday all transfer stations will be open. The recycling center at Rancho Viejo will be open Friday and Saturday. We will be closed during the lunch hour at Tesuque and Nambe all the other transfer stations will be open nine hours a day to include the lunch hours.

COMMISSIONER MAYFIELD: Thank you, and Mr. Martinez, are we going to any abbreviated schedules in Nambe or Tesuque or are they just going to still stay with this?

MR. MARTINEZ: Madam Chair, Commissioner Mayfield, thanks for bringing that up San Marcos, Nambe and Tesuque will be open on Wednesdays Friday, Saturday and Sunday. So those stations will only be open four days a week. The others will be open five days a week.

COMMISSIONER MAYFIELD: And, again, I know there was a decision not to have public comment but can you without troubling our convenience caretakers too much let there be a petition out there for folks to sign up saying that this is inconvenient or not, at least so that there can be some feedback coming to us. I would appreciate that.

MR. MARTINEZ: Madam Chair, Commissioner Mayfield, we will do that.

COMMISSIONER MAYFIELD: Thank you, Mr. Martinez very much. Thank you, Madam Chair.

CHAIR VIGIL: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Madam Chair. First of all one of the issues that Mr. Mayfield brought up had to deal with the non-emergency RECC number. I have it as and correct me if I am wrong 428-3720; is that right for the non-emergency Regional Emergency Call Center?

CHAIR VIGIL: Is that a yes or a no?

KEN MARTINEZ (RECC Director): The main number for non-emergency is 428-3710, and you can use 3720, 3730 for the Sheriff's Department and Fire Department but to give out a non-emergency the main number is 428-3710.

COMMISSIONER STEFANICS: Four-two-eight-thirty-seven-ten for our listeners so if they have issue as Commissioner Mayfield indicated they have some place to call. Thank you very much.

COMMISSIONER MAYFIELD: Madam Chair, on that point.

CHAIR VIGIL: Yes.

COMMISSIONER MAYFIELD: Ken, how do you then, once you get that non-emergency call do you call Mr. Martinez immediately or what do you do?

KEN MARTINEZ: Madam Chair, Commissioner Mayfield, we'll get an issue that there's something with the road and we've got non-emergency numbers and paging numbers for Mr. Martinez and his staff and my dispatchers will call them out and have them respond.

COMMISSIONER MAYFIELD: So, if you get that non-emergency call at midnight on a Saturday; you don't wait until Monday to give it to them.

KEN MARTINEZ: We'll use the pager number of whatever contact number we have at that time.

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

CHAIR VIGIL: Okay, Commissioner Stefanics.

COMMISSIONER STEFANICS: The other thing, Madam Chair, I'd like to comment that I have a volunteer from District 5 who is moving away, Ivan Pato, and he was on the Roads Committee for a long time and then he got appointed to the County Development Review Committee. I think he's a great loss to Santa Fe County. He has to relocate for some work and I hope that he will be back in two to three years and volunteer again. Mr. Pato has actually either been a city or county manager in California somewhere so he brings great experience to us.

I recently had the opportunity to visit with our staff, Paul Olafson and others, the Santa Fe Studios and it was very exciting and the word is if everything stays on time that they will have a Certificate of Occupancy by the end of next week. So I think that the Studios is well on its way and I understand that our current governor has provided a letter of support for the film industry to come back to New Mexico and I've asked the owners of the Studios to provide that to us so that we can all see that. But I was very surprised and very pleased that she's gotten involved in that.

The other item that I have and Mr. Martinez you don't have to respond, it's just something that I made a recommendation to our County manager about, is that we do have this Roads Committee of volunteers and I understand that we have some vacancies as well. But perhaps the Roads Committee could actually identify not what roads are priorities for taking care of emergencies but what types of emergencies should be addressed. We recently had a situation where people questioned why we were working on a particular road and if we could take our Roads Committee that is countywide to come up with some common criteria then we should be able to say to the public, you know, our Roads Committee has looked at a variety of circumstances and they've come up with some priorities for us.

That's the only comment I have. Thank you.

CHAIR VIGIL: Thank you. With regard to that, Steve, I'd like to ask a question, we've been working with Robert's shop on the road acceptance policy. Some of the issues that we've heard today may be applicable to that inclusive of the guidance on emergency response to some of these roads when there is in inclement weather, county roads acceptance guidelines and maintenance of some of these roads. I have heard that there's a concern of traffic calming and I'd be looking at whether or the guidance for the emergency response or the maintenance should be far more specific in that. And, I know that I learned that when our public works looks at these roads and they've been very responsive to them, they look at the number of vehicles that are passing through that road. They look at the condition of the road. They look to see whether it is a main arterial or not, those kinds of things in terms of guidance for the responses. And, I know that the acceptance policy addresses that with regard to whether or not our public works has sufficient funding for these. And I think that is always the ultimate decision when it comes addressing road. I know that that will be a part of any kind of traffic calming recommendation so I'm wondering and I'm happy to work with Commissioner Mayfield with what he specifically is looking for and maybe incorporate that so that we have more a comprehensive guidance policy with that and I would just ask

you, Steve, with regard to what's been drafted so far, would it be difficult to incorporate these requests in that?

MR. ROSS: Madam Chair, no, we can include anything in that policy that you'd like to see in there. Right now it really addresses a procedure and some limited standards for folks who want their road taken over as a County-maintained road. But it certainly could incorporate traffic calming and any other topics we want to include in there.

CHAIR VIGIL: Okay. And, maybe we could work on some kind of a draft so that we can get some feedback with those Commissioners and staff that are concerned and one of the things that I'm looking forward to with regard to this is that once that Road Advisory Committee is brought together they'll be able to also review this and that will provide some guidance for them. One of the benefits of doing this is that you don't have five or eight resolutions or a couple of ordinances out there that affect roads. This, it is my hope, centralizes those issues so I'm going to request that we do a draft and maybe try to address all the issues that have been brought up in that draft.

Will legal be able to work on that, Steve?

MR. ROSS: Madam Chair, we can do so.

CHAIR VIGIL: Okay, thank you very much. With that I think we can move onto the next item.

XII. B. Miscellaneous

- 1. Request Authorization to Enter Into Agreement #2011-0187-CORR/TRV with Sierra Detention Systems to Replace, Repair and Upgrade Door, Intercom & Camera Systems at the Adult Detention Facility in the Amount of \$483,077.00. (Corrections Department)**

CHAIR VIGIL: Would you state your questions, Commissioner Mayfield?

COMMISSIONER MAYFIELD: Madam Chair, just a general question. It's a lot of money we're spending and I believe we've already looked at this about publishing for this RFP. But just so staff can make a statement that it did go out for competitive bid and this was the bidder of their choice and if you just want to read that little paragraph in the summary memo it would be great.

TILA RENDON VARELA (Purchasing Department): Tila Rendon Varela.

CHAIR VIGIL: Welcome Tila.

MS. RENDON VARELA: We did go out for RFP on this project and this was the vendor that the committee selected for this project.

COMMISSIONER MAYFIELD: And they were the lowest price?

MS. RENDON VARELA: They were not the lowest. They were the most qualified. It was a request for proposal and it was on qualification basis.

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

MS. RENDON VARELA: You're welcome.

COMMISSIONER MAYFIELD: Madam Chair, I'll move for approval of

COMMISSIONER STEFANICS: I'll second.

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

**XII. B. 2. Request Authorization to Enter Into Agreement #2012-0059
UTVO with Las Campanas Golf Course (LCGC), for it to
Purchase Raw Water Supply Services as a Class Wholesale-2
Customer of the County Utilities. (Public Works Department)**

CHAIR VIGIL: Your question, Commissioner Mayfield.

COMMISSIONER MAYFIELD: Thank you, Madam Chair. Let me just find it in my packet. But real quick, Madam Chair, Mr. Guerrerortiz, thanks for being here, what's the total cost to the County on entering this deal with Las Campanas?

PEGO GUERRERORTIZ (Utility Director): There is no cost to the County, Commissioner, Madam Chair. The idea is to have an agreement so that we can accept Las Campanas as a customer of the Wholesale 2 class.

COMMISSIONER MAYFIELD: Okay, give me one second.

MR. GUERRERORTIZ: That means that we will be paying –

COMMISSIONER MAYFIELD: So they'll – infrastructure cost – let me just go to my notes real quick here, Pego, and I have a bunch of notes so that everybody knows.

We are doing this in accordance with the recent resolution that was passed, BCC resolution 2011-79 as a wholesale WS2 customer.

MR. GUERRERORTIZ: That was the rate schedule.

COMMISSIONER MAYFIELD: Rate schedule that they're going to be under; right?

MR. GUERRERORTIZ: Right.

COMMISSIONER MAYFIELD: Pego, I'm just going to ask this out of the blue because this was in your summary memo. What is the Quill Plant? Where is the Quill Plant?

MR. GUERRERORTIZ: The Quill Plant is the restructuring facility that the state owns that serves primarily the penitentiary and the detention center for the County.

COMMISSIONER MAYFIELD: The State owns it or the County?

MR. GUERRERORTIZ: The State owns it and the County leases it.

COMMISSIONER MAYFIELD: And we get wastewater from the Quill plant?

MR. GUERRERORTIZ: We treat the wastewater from the County at the Quill plant.

COMMISSIONER MAYFIELD: And then what do we do with our water?

MR. GUERRERORTIZ: I'm sorry.

COMMISSIONER MAYFIELD: And then what are we doing with that treated water?

MR. GUERRERORTIZ: At this moment the water is used to irrigate the pasture that is adjacent to the facility and there's a buffalo farmer that feeds buffalo out of that grass.

COMMISSIONER MAYFIELD: Okay, and is the County getting paid for that water?

MR. GUERRERORTIZ: The County at this point doesn't get paid for that water.

COMMISSIONER MAYFIELD: I'm sorry, I couldn't hear you.

MR. GUERRERORTIZ: No, sir. The County does not get paid for the water itself.

COMMISSIONER MAYFIELD: Well, under this new rate schedule that this Commission recently passed shouldn't we be getting paid for that water?

MR. GUERRERORTIZ: Madam Chair, Commissioner Mayfield, not under this new rate schedule but it will be once we finalize an agreement with the State of New Mexico so we can have a long-term lease on the facility and then we will have the water that is generated will be also a product of the utility.

COMMISSIONER MAYFIELD: I'll meet with you on that, Pego, because that's a total different discussion item. But going to the deal that you're working out or that is anticipated to work out with Las Campanas, this water is going to be for a golf course?

MR. GUERRERORTIZ: This water is going to be primarily for the gold course, yeah. Exclusively for the golf course as a matter of fact and the facilities that they have.

COMMISSIONER MAYFIELD: I'm sorry, Pego.

MR. GUERRERORTIZ: This is going to be for the golf course, yes.

COMMISSIONER MAYFIELD: Any they're requesting 300 acre-feet to 600 acre-feet per year?

MR. GUERRERORTIZ: They will be using between 300 acre-feet and 600 acre-feet of well water, non-potable water for the irrigation of the golf course.

COMMISSIONER MAYFIELD: So this water is coming through the BDD or it's not coming through the BDD?

MR. GUERRERORTIZ: This water is coming – it's being diverted at the same facility as our potable water is but the pumping into Las Campanas is going to be through a system that they are in the process of installing. We will take the bottom part of that system, the pump station, and the force main that is going to be conducting water/conveying the water to Las Campanas will be theirs. So, in other words, we'll be delivering water right outside that pump station, well water prior to the treatment plant that water will not go through the treatment plant.

COMMISSIONER MAYFIELD: Help me visually. So, there's no treatment going on at the initial taking of the water from the Rio Grande. There's zero treatment right there?

MR. GUERRERORTIZ: The treatment is going – it's called a physical treatment, we have – you allow some of the sediment to drop off because in the intake the velocities are reduced and there is sedimentation basin down very close to the river. That's the only treatment per se that it will get. And that treatment cost the BDD a certain amount of money and when we calculated the rate that you approved back in May, that figure, that rate figure, includes the cost of producing that water.

COMMISSIONER MAYFIELD: So we're not hurting the BDD then by taking this water away from them?

MR. GUERRERORTIZ: That's water that belongs to the County.

COMMISSIONER MAYFIELD: Right. So what's the total amount of County water we have off of the Rio Grande?

MR. GUERRERORTIZ: The total amount of water – if I tell you what has been happening the past few weeks we're talking about anywhere between 2.5 and 3 million gallons a day.

COMMISSIONER MAYFIELD: No, what are we – I guess, maybe this is a question for Mr. Ross if he has it handy: What's our total draw-down from every water right we have that runs down the Rio Grande?

MR. ROSS: Madam Chair, Commissioner Mayfield, are you asking about water rights or physical capacity in the BDD because they are different numbers?

COMMISSIONER MAYFIELD: No, no, water rights. Not physical capacity because later on in this agreement, and I'm going to get to it, we're saying that we're giving this water forever, for our kids' lives, for their kids' lives and everything else. So I just want to know if we ever have future obligations for water needs in Santa Fe County we're agreed to give – or there's a proposal to give Las Campanas a good amount of water for a golf course. So what is Santa Fe County's total ability to draw-down off of the Rio Grande?

MR. ROSS: Okay, Madam Chair, Commissioner Mayfield, there are two components. The physical capacity that has been dedicated to the County water system is 1,700 acre-feet but that is not implicated in this particular proposal. The proposal is to use Las Campanas' capacity in the BDD diversion facility at the river to deliver this water to the golf course. And Las Campanas has 1,800 acre-feet of physical capacity at the river to deliver water.

The second component of course is water rights. The County has 375 acre-feet of San Juan-Chama water and about 1,300 acre-feet of native Rio Grande water rights and up to 600 acre-feet that was dedicated by the Co-op in connection with the earlier agreement. So there's about 2,275 acre-feet of water and that's against 1,700 acre-feet of capacity. And don't forget that we have an additional right to divert 500 acre-feet from the City of Santa Fe pursuant to our agreement. So we have a lot of water and a lot of water rights.

COMMISSIONER MAYFIELD: Thanks, Steve, and I'm going to read through some of this but when I get to obligation of the County on the attachment you sent and I may read it and I will read, maybe I misunderstood it. I thought this proposal was to say that the County is going to give up to 600 acre-feet. The BDD still has their water and any time the BDD can use their water not that they were going to allocate their water to the County first. But let me just read through this and then we'll catch up with that. So I'm just going to read through the law water supply agreement that you provided to the Commission and myself.

MR. GUERRERORTIZ: Madam Chair and Commissioners, this agreement took a long time in negotiating it and we were making changes up until the last minute --

COMMISSIONER MAYFIELD: Great, great.

MR. GUERRERORTIZ: -- but I just wanted to point out a few differences between what you have in your packet and what I would like you to approve today. As long as I have the opportunity to do that I will be happy to answer any questions.

COMMISSIONER MAYFIELD: Well, let me ask a question. Were we going to put something on consent with some changes that we weren't going to know about?

MR. GUERRERORTIZ: No, actually when we realized that the earlier version of the agreement had been introduced is when I asked a member of the Commission to take it off the consent too. So you just anticipated that and I was happy to have it that way.

COMMISSIONER MAYFIELD: Well, am I not looking at the right agreement that was provided to me?

MR. GUERRERORTIZ: The changes are very minor, Commissioner, but I just want to make it for the record that there are some minor changes.

COMMISSIONER MAYFIELD: We'll get to them when I read through them, Madam Chair. I'm going to be asking some questions especially knowing now that there's a whole new agreement that wasn't given to us.

So going through the agreement under definitions, "All water delivered from the Rio Grande." So we're understanding this is water that is coming out of the Rio Grande and nothing out of ground, nothing out of treated water minus the intake treatment for sediment right?

MR. GUERRERORTIZ: This is not potable water and this is not groundwater; that's correct.

COMMISSIONER MAYFIELD: Okay. Pego, just help me, and I don't know if there's -- the pump station at pump station 2A will be the County assets. So just visually help me. We have the treatment plan. Then you're going to put a pipeline somewhere; right?

MR. GUERRERORTIZ: No, we have the diversion facility --

COMMISSIONER MAYFIELD: Okay.

MR. GUERRERORTIZ: -- at the river and the diversion facility has some pumps to pump water --

COMMISSIONER MAYFIELD: Okay.

MR. GUERRERORTIZ: -- well water from the river up to pump station 2A.

COMMISSIONER MAYFIELD: Where is pump station 2A?

MR. GUERRERORTIZ: Pump station 2A is about one-quarter of a mile from the river.

COMMISSIONER MAYFIELD: And is that already built?

MR. GUERRERORTIZ: Oh, yeah, that's in place. That's in place, yes.

COMMISSIONER MAYFIELD: Okay. Then Las Campanas is taking it from pump station 2A there?

MR. GUERRERORTIZ: At that station, Las Campanas is adding one more pump station, one more pump that will be dedicated to sending well water to Las Campanas instead of sending it to the water treatment plant.

COMMISSIONER MAYFIELD: Okay, and that's called Pump Station 2A WS or something or BS2A?

MR. GUERRERORTIZ: Yes.

COMMISSIONER MAYFIELD: That's now Las Campanas' second station.

MR. GUERRERORTIZ: A booster station is what they call it.

COMMISSIONER MAYFIELD: Booster station 2A is Las Campanas; right?

MR. GUERRERORTIZ: No. Booster station 2A belongs to BDD.

COMMISSIONER MAYFIELD: Okay, and that's not built yet?

MR. GUERRERORTIZ: That built facility is in place. They are going to add another pump. This facility has several pumps. They are going to add another pump so not all of the water that comes BS2A is going to go to the plant but part of that water is going to go to Las Campanas.

COMMISSIONER MAYFIELD: Okay, and done of that is treated water?

MR. GUERRERORTIZ: And none of that is treated water. It's non-potable water.

COMMISSIONER MAYFIELD: Okay. I'm going to go down really quick to Representations and Warranties. Of the County, it says that, "the County owns or controls and shall maintain sufficient water rights or contract water rights to fill its obligation under this agreement." So, Madam Chair, Mr. Ross, what is that saying? So, if we don't have enough water rights we're going to acquire more to make sure we give them 600 acre-feet of water?

MR. ROSS: Madam Chair, Commissioner Mayfield, no, it says right now we have --

COMMISSIONER MAYFIELD: Okay.

MR. ROSS: -- we have adequate water rights to support this agreement.

COMMISSIONER MAYFIELD: Okay, and that's it. Thank you. And now I'm going to go on to 3B, Obligations of the County, "The County at its own cost

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and through the BDD shall deliver the raw water to the Club House at Booster Station A.” We already have water running to booster station A, right?

MR. GUERRERORTIZ: That’s correct.

COMMISSIONER MAYFIELD: Regardless of who it is going to.

MR. GUERRERORTIZ: That’s correct.

COMMISSIONER MAYFIELD: So that’s the cost we’re incurring no matter what. Okay. “The County will pay all of the BDD variable operating cost associated with deliveries from the BDD.”

MR. GUERRERORTIZ: We’re already doing that.

COMMISSIONER MAYFIELD: So we’re not paying any additional money? This is already the agreement that the City and the County have together under the FOPA that we’re paying this money already regardless of who gets this water from us?

MR. GUERRERORTIZ: That’s correct, sir.

COMMISSIONER MAYFIELD: Thank you, Pego. “In any given year the County utilizes the Club’s capacity pursuant to Article 5.B. then the County will pay the BDD fixed operating cost on the capacity as well.” Can you help me out with that?

MR. GUERRERORTIZ: Yeah. That’s what we’re doing already today. The County is contributing about 25 percent of the total operational cost for the BDD system. From diversion all the way to distribution.

COMMISSIONER MAYFIELD: Okay. Pego, now that I’m going through this, if I hit any of your amendments just let me know, please. So now I’m on C, “The County will provide a right-of-way across private property.” Who’s private property are we providing a right-of-way for? How are we obtaining a right-of-way across private property?

MR. GUERRERORTIZ: The private property belongs right now to a private party or it probably belongs to a private party, and the line the [inaudible] main that will be conveying the water BS2A to Las Campanas has to go through that piece. The easement will be needed by the County for other reasons than just this line. So, at this point what we’re doing is acquiring that piece of property as part of the pieces of this project that we need to have for utility operations.

MR. ROSS: Madam Chair, Commissioner Mayfield, Pego, yes, that’s correct. As you recall, the BLM in the initial permitting of the Buckman Direct Diversion facility believed that two small slivers of property over which the main Buckman lines currently run was BLM property. That was a mistake. It actually belongs to a private party and we’re working on a purchase agreement right now to purchase those pieces of property.

COMMISSIONER MAYFIELD: So, this just falls in place with what we have to acquire, there’s no new acquiring of public property; right?

MR. ROSS: No, we have to do this anyway because the Buckman lines are currently on this property.

COMMISSIONER MAYFIELD: Okay, that’s good that helps me. Okay, “sufficient raw…” and now I’m on B, “the County shall deliver to BS2A sufficient raw

water to meet the monthly amount requested by the Club as provided for in this agreement.” So the request could be anywhere from 300 – I don’t know, I guess that’s wrong. Three hundred to 600 acre-feet a year; right? I’m sure in this agreement it’s going to say it somewhere and I may get to it but what if there’s a drought and we say, okay, there’s drought we are stopping water usage and if these guys are agreed, there’s an agreement here that says you can have been 300 and 600 acre-feet of water; how does that work?

MR. GUERRERORTIZ: Madam Chair, Commissioner Mayfield, the agreement also says that this – that the supplied water to them, well water to them, is going to abide by the ordinance. And in the ordinance that will be provisions, specific provisions and policies. The policies and ordinance that we will have soon have specific provisions for the Commission to declare emergencies. And in terms of emergencies when everybody curtailing the use of water, all customers will have to contribute to that.

COMMISSIONER MAYFIELD: Let me ask how this curtailment works. So they have a curtailment based on what the County is providing them. Do they also have a curtailment based on what they’re allowed to take out of the BDD on their own? Can they just put a curtailment on our water use when we put that in place but then be able to suck out their water out of the BDD?

MR. GUERRERORTIZ: Madam Chair, Commissioner Mayfield, no. Once this agreement is signed the diversion capacity or diversion ability would be the County’s. In other words, the County is using that diversion ability and they are our customers.

COMMISSIONER MAYFIELD: Right. So we have a drought for two months, July and August, they’re not taking any water or whatever curtailment that they’re under; can they catch up later?

MR. GUERRERORTIZ: They will, Commissioner Mayfield, they would have capacity for storing water. They would manage their water that’s why we say anywhere between 300 and 600 and most of this water will be used between April and November so it’s not the entire year. So they will have ponds and lagoons in their facility where they can store the water so that they can manage it. That would not be our responsibility.

COMMISSIONER MAYFIELD: So let me see if you answered the answer for me. “The County in consultation with the Club shall use its best efforts to develop a back-up water supply and provide said back-up water in the event of curtailment of deliveries from the BDD to the BSA2A.” Is that the water tank you’re talking about?

MR. GUERRERORTIZ: Yes, that’s a combination of issues actually because as a customer they will develop what is called a “reliance.” So when a customer has reliance on the utility that means that the utility is going to make every effort to provide the water in accordance with that reliance. Now, if everybody is being curtailed because there’s no water, then they would be curtailed just the same as any other customer. Now do we have the ability to say okay Customer A and Customer Z are going to go out the rest can stay in? I don’t think that we would legally have that ability and that’s for Steve to answer, actually, but it is not the way utilities operate.

COMMISSIONER MAYFIELD: So what's our back-up water supply for these guys then?

MR. GUERRERORTIZ: We're in the process of developing that back-up water supply and let me give you one example that we have at this point. We're pursuing what is called [inaudible] free storage as a back-up water supply for the system for the entire system as a whole.

COMMISSIONER MAYFIELD: Madam Chair, Ms. Green, this is the new agreement or the modified agreement?

PENNY ELLIS-GREEN (Deputy County Manager): Yes.

COMMISSIONER MAYFIELD: Are they redlined?

MR. ROSS: Highlighted.

MR. GUERRERORTIZ: We're coming up to the first highlight.

COMMISSIONER MAYFIELD: Okay, let me get on the same page, Pego, thank you. I shouldn't have too much longer and thanks for the patience.

COMMISSIONER MAYFIELD: So, right now, you do not have a backup water supply. How long is that going to take to figure out this backup water supply out, and are we putting the cart before the horse without a backup water supply?

MR. GUERRERORTIZ: The backup water supply does exist in terms of the Buckman wells, and as you know, in the past couple of weeks –

COMMISSIONER MAYFIELD: Stop for one second. So now we're planning on using groundwater as a backup water supply.

MR. GUERRERORTIZ: For the entire system.

COMMISSIONER MAYFIELD: No, no. To water golf courses.

MR. GUERRERORTIZ: Part of that would have to be delivered to the golf course in the event of an emergency. Yes.

COMMISSIONER MAYFIELD: Thank you. Okay. The County shall provide all water rights necessary to make the deliveries of raw water that are subject of this agreement. So if there's a potential to use groundwater – or is that the same definition, groundwater and raw water. Is that a same definition?

MR. GUERRERORTIZ: Madam Chair, Commissioner, no, they're not the same definition generally. Groundwater needs very little treatment before you drink it, especially if the aquifer is safe, which is difficult to find sometimes. Potable water, raw water in this case is the water before treatment, the water from the Rio Grande for treatment, and the water that we will be generating from these water facilities.

COMMISSIONER MAYFIELD: Okay. My suggestion though is just we figure if this does go forward I guess curtailment for good quality groundwater and not raw water, because right now this is telling me that there's a potential that groundwater could be used to water that golf course that exists.

MR. GUERRERORTIZ: Yes. In reality there's a potential. Yes.

COMMISSIONER MAYFIELD: Okay. Pego, I'm on 3-I. At its sole cost the County shall read, repair, maintain and provide for replacement as necessary the flow meter at BS 2-A. That's what we do for every meter, right?

MR. GUERRERORTIZ: Every meter. Every service connection.

COMMISSIONER MAYFIELD: Is it a commercial meter?

MR. GUERRERORTIZ: This is going to be a six-inch meter.

COMMISSIONER MAYFIELD: And in your rate schedule a six-inch meter, what's that cost? A couple hundred thousand dollars? \$80,000?

MR. GUERRERORTIZ: The rate schedule, there's a connection fee for raw water, approximately \$30,000 and there's a monthly fee for just having the meter there that's \$964.

COMMISSIONER MAYFIELD: So it's going to be a six-inch?

MR. GUERRERORTIZ: It's going to be a six-inch meter, yes.

COMMISSIONER MAYFIELD: Okay.

CHAIR VIGIL: Commissioner Mayfield, could I ask you how many questions you have? I'm looking at the clock. It's 4:00. We have a two-hour executive session and Public Works and Utilities, staff, Matters from the County Manager, Matters from the Clerk. None of those have been heard, so I'm wondering, if you don't think that you have enough information on this that you might maybe be able to – if you need more time you might be able to abstain from the vote and maybe gather more information by visiting with staff.

COMMISSIONER MAYFIELD: Madam Chair, I have a few more questions I'd like to answer them or else I'd ask that this matter be tabled and be brought in front of this full Commission so these questions could be asked. One question I'd ask is how this got on the Consent Agenda. This to me seems very important to all of our residents if we're going to be supplying water, now potentially groundwater for a golf course.

CHAIR VIGIL: Okay. Would you then, if you have technical questions, you said just a couple more?

COMMISSIONER MAYFIELD: I don't know, Madam Chair. I'm going to ask questions. I have another page of questions and at least four questions on my second page. So I'm going to still ask the questions. If you want to shut me down, that's fine. I will make a motion to –

CHAIR VIGIL: I need to conduct this meeting in a manner that is responsible to moving agenda items forward and that's all I'm trying to do, Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, I'd say I have at least ten more minutes of questions, with answers.

CHAIR VIGIL: Okay.

COMMISSIONER MAYFIELD: Thank you.

CHAIR VIGIL: 4:10, then we'll take a motion.

COMMISSIONER ANAYA: Madam Chair, I have a question.

COMMISSIONER MAYFIELD: Thank you. Mr. Gutierrez, now under Section 4, obligations of the Club. Upon request by the County the Club shall make its capacity in the BDD available to the County if necessary for use in fulfilling the County's obligation under this agreement. Madam Chair, maybe that's a question for Mr. Ross. Is this what you're saying, Steve, that we're going to use their water, not our water?

MR. ROSS: Madam Chair, Commissioner Mayfield, correct.

COMMISSIONER MAYFIELD: So are we deeming it necessary on the onset?

MR. ROSS: I believe we will.

COMMISSIONER MAYFIELD: Why don't we have that in this agreement?

MR. GUERRERORTIZ: Their diversion capacity is what we're using from them. Their diversionary capacity. The BDD has a certain capacity to divert water from the river that is separate from water rights.

COMMISSIONER MAYFIELD: Right. So can the BDD – excuse me, can the Club, they can ask for their allotment of 600 acre-feet from us, right? Up to?

MR. GUERRERORTIZ: That's right.

COMMISSIONER MAYFIELD: Maybe they won't use it all. But can they also draw down on their water capacity. I don't know what they have on their water capacity. They have, oh, I don't know – so many gallons of water themselves.

MR. ROSS: Madam Chair, Commissioner Mayfield, that's the 1800 acre-feet per year that they have available in the BDD. That's raw water. And so I expect that we will ask for that capacity any time we use the BDD.

COMMISSIONER MAYFIELD: So, Madam Chair, Mr. Ross, could they potentially draw down 2,400 acre-feet a year? The 600 that we could give them plus the 1,800 they have?

MR. ROSS: No. They have 1,800 acre-feet of capacity. Let's say we're delivering them a maximum of 600 acre-feet, they'd have 1,200 left. Because they had 1,800 to be begin with.

COMMISSIONER MAYFIELD: So could they draw down their other 1,800 at any time?

MR. ROSS: Yes.

COMMISSIONER MAYFIELD: Okay. Do we know what it costs to water or how much water it takes annually a golf course out there?

MR. ROSS: It's less than 600 acre-feet.

COMMISSIONER MAYFIELD: Okay. Thank you. Pego, give me one second. I'm just going to read my highlights. Okay. The Club at its own cost shall construct a pipeline from Station 2-A So BS 2-A is where we're going. They're taking care of all the costs thereafter, right?

MR. GUERRERORTIZ: That's correct.

COMMISSIONER MAYFIELD: After they take it from BS 2-A to their point, who's maintaining that, them or the County?

MR. GUERRERORTIZ: The [inaudible] will be their responsibility to maintain. The County delivers the water at BS 2-A. Once it goes past the meter it becomes their responsibility.

COMMISSIONER MAYFIELD: How far is the BS 2-A, say, from where they need their water? How far is that meter from –

MR. GUERRERORTIZ: The meter to the point of delivery is going to be about 3.5 miles.

COMMISSIONER MAYFIELD: Three and a half miles. So they're responsible for that 3.5 miles.

MR. GUERRERORTIZ: They're responsible for that.

COMMISSIONER MAYFIELD: Okay. Two more questions, Madam Chair. Under Obligations from the Club, now I'm under E, the Club may delegate to the County the responsibilities to make a particular repair but if it does not so the Club shall pay the County the actual cost of such repair. So help me. So when can they delegate to us to make the repair? Before the BS 2-A or after the BS 2-A?

MR. ROSS: Madam Chair, Commissioner Mayfield, that's after BS 2-A.

COMMISSIONER MAYFIELD: Well, how can they delegate to us to make the repair when they're responsible for it?

MR. ROSS: Well, let's say since we have a utility and we don't, let's say there's a pipeline break beyond BS 2-A and we have the facilities and equipment and manpower to do it and they do not at that particular time, they could ask us to go do it but if we do it then they'd have to reimburse us for our actual costs in making that repair. It's to facilitate the repair.

COMMISSIONER MAYFIELD: Well, it doesn't say we have an option. It says they may delegate to us to do it.

MR. ROSS: They may. May. The operative word is "may."

COMMISSIONER MAYFIELD: Right. But if they delegate it to us can we say no thank you, we don't want to do it?

MR. ROSS: Absolutely.

COMMISSIONER MAYFIELD: Oh, we can. Okay. And if we do do the repair, is that going to be done by Santa Fe County personnel? Or are we going to arguably contract that out?

MR. ROSS: It's at our choice.

COMMISSIONER MAYFIELD: But they're paying for it.

MR. ROSS: But they're paying for it.

COMMISSIONER MAYFIELD: Okay. Under F, Any and all future costs associated with the metering including but not limited to the repair, replacement or any infrastructure assets replacement shall be exclusively borne by the County. So we just pay for all that after, right?

MR. ROSS: Madam Chair, Commissioner Mayfield, normally we maintain our own meters.

COMMISSIONER MAYFIELD: Okay.

MR. ROSS: Don't forget we're going to be getting a substantial amount of revenue. I think it's around \$500,000 annually from this agreement.

COMMISSIONER MAYFIELD: Right. And Steve, I appreciate that and that's what I'm weighing right now, the amount of money coming in but from what I've heard from Pego we're spending zero to take to them.

MR. GUERRERORTIZ: That's correct.

COMMISSIONER MAYFIELD: Nothing.

MR. GUERRERORTIZ: That's correct.

COMMISSIONER MAYFIELD: Okay. This is important to me to read. Under terms and duration of this agreement the obligations to deliver raw water – it doesn't say anything about groundwater – and to make payments under its agreement shall commence upon the earlier completion of the pipeline or May 1, 2012, and this agreement shall continue in perpetuity unless and until terminated as provided herein.

Now, I'm looking at amendments and terminations. This agreement may be amended in writing upon written consent by the parties termination may only occur by agreement of the parties.

MR. ROSS: Madam Chair, Commissioner Mayfield, this is one of those two spots on your amended contract that's important to take a look at because for some reason a clause was eliminated from the copy that went into your packets, and that clause provides as follows: This agreement may be terminated by the County upon the failure of the Club to make payments required by the agreement. So if they don't make any payments that they're required to make we can terminate the agreement. Otherwise, generally utility law would require once you make a connection you continue that service in perpetuity.

COMMISSIONER MAYFIELD: Okay. But there's no provision for the County to terminate this agreement.

MR. GUERRERORTIZ: Yes, there is.

COMMISSIONER MAYFIELD: How can we terminate it?

MR. GUERRERORTIZ: By non-payment. Non-payment is the only provision by which the County can terminate it unilaterally.

COMMISSIONER MAYFIELD: I don't plan on being here 100 years from now. But arguably, what if 100 years from now Santa Fe County wants to use this water for something else and the Club's still in existence, because they're here 100 years from now. We got no out, right? The Club's entitled to this water.

MR. ROSS: Madam Chair, Commissioner Mayfield, under general utility law once you hook somebody up you have to continue to provide service to that person in perpetuity, the theory being that to disrupt service even 100 years from now would be incredibly disruptive.

COMMISSIONER MAYFIELD: Thank you. Madam Chair, just a last question. Help me out with Consent, and maybe this is a question for Mr. Ross or Ms. Miller. Pego, thank you so much for your answers. I really appreciate it. How do these matters come to us as far as Consent? To me this is a big deal. This is a huge deal for me, especially knowing that there's some amendments. And there's some decent amendments that have just come in the last ten minutes to me on the agreement, but how was it determined what hits Consent Calendar and what doesn't hit Consent Calendar?

MR. ROSS: Madam Chair, Commissioner Mayfield, this should not have been on the Consent Calendar. This is just a mistake that got through the whole review process. This should have been on the regular calendar and had you not pulled it off we were intending to pull it off, asked you to pull it off.

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

CHAIR VIGIL: Okay.

COMMISSIONER ANAYA: Madam Chair.

CHAIR VIGIL: How many questions do you have, Robert?

COMMISSIONER ANAYA: About seven.

CHAIR VIGIL: Okay.

COMMISSIONER ANAYA: Madam Chair, just a comment on the Consent item. I appreciate that people make mistakes. This will be the third public

meeting that I bring this item up as an issue so I have some questions. I'm going to re-ask some of the ones just for clarification for the record for clarity in my own mind. But we have three pieces of water we're talking about. We're talking about raw water, we're talking about potable water that is treated after it goes through the diversion project, and then the third that we haven't mentioned here today that I'm going to mention because I mentioned it in the two previous meetings is effluent water. Is that correct? And the effluent water is City water, but in essence, those are the three primary water sources that we're talking about. Is that correct?

MR. GUERRERORTIZ: Madam Chair, Commissioner Anaya, there's one more source and that would be groundwater.

COMMISSIONER ANAYA: Groundwater. Okay. So given that, is the sale – because we're actually in essence selling some of our raw water. Is that correct? We would be selling water that the County has capacity to deliver, correct?

MR. GUERRERORTIZ: We will be selling water that the County has capacity to deliver. That's correct.

COMMISSIONER ANAYA: And are we selling in totality the total 600 acre-feet of our raw water right in this agreement?

MR. GUERRERORTIZ: We're not selling the water rights. We're providing water based on the water rights that we have like we do with any other customer. When we serve your property we don't charge you for the water rights you use. We're not selling you the water rights. You cannot take those water rights and go sell them somewhere else. But you are served with the water and that's what we're doing here. The diversionary capacity is the physical capacity to divert water from the Rio Grande. The water rights is the legal capacity to deliver water from the Rio Grande. That's the best I can define it.

COMMISSIONER ANAYA: So Madam Chair, Mr. Guerrerortiz, Once we sell and they become part of our utility then their obligation is fixed. As long as they pay their bill they will get their 600 acre-feet of water. So Commissioner Mayfield has a good point in that once we've made this transaction and we sell and provide that benefit of that raw water they in essence have that water as long as they pay their bill. Correct?

MR. GUERRERORTIZ: That's correct.

COMMISSIONER ANAYA: Okay. Now I want to, for clarify for the people listening and watching, provide a simple, straightforward summary as to the distinction of – and I'm going throw out 491. For some reason – and Mr. Ross, you can clarify the actual amount of water. But when the Buckman Direct Diversion project was being done, there was a number of about 500 acre-feet, but I want to say it's 491 for some odd reason. That 491 acre-feet the County had, and I'm talking about potable water now. I'm not talking about raw water or effluent water, that the County had 491 feet of excess capacity for potable water that they could in turn provide for either augmenting an existing community or provide for development purposes. And the City didn't have that. They utilized all their water.

So for the public's perspective and understanding, clarify and give me some information on those items so I completely understand it.

MR. GUERRERORTIZ: Madam Chair, Commissioner Anaya, I'll do my best. Prior to BDD the only way the County can get water was through the City system.

But the County had some water rights that we wouldn't have been able to exercise unless there was the infrastructure to bring the actual wet water out of the ground and out of the river. When BDD – at that time the City was committed to convey to the County up to originally 500 acre-feet of water a year. That figure, because the County made some allocations is now at 375 or something around that figure. It's the water that the City is still committed to convey to the County through the City system, through the City's distribution system.

Now, when BDD, now that BDD is in place and operating the County can draw up to 2,200 acre-feet all together from the river. And we do it primarily through BDD. Now, there are going to be some places in the county, the county property that surrounds the city where BDD water is not going to be available to people unless it goes through the City system. The case of La Tierra, for instance, is a classic example. The Sena properties, another example. We could not reach, from the facilities that we have on the south side the lines that were dedicated to take water down to south 14, for instance, we could not reach the facilities or the properties that are in the north part of the city outside the city limits and outside the service area. So at this point we're negotiating an agreement with the City to have what we call the area-wide service. In other words the City would commit to help us deliver water, because when BDD is working that's their main source of water for the City, deliver water from BDD into these areas that cannot be reached unless we go through the City system.

Now, that 375 figure will not be in any way altered by this agreement. But 375 acre-feet a year will continue to be 375 acre-feet a year.

COMMISSIONER ANAYA: Madam Chair, I'm going to make a suggestion. I have several other questions that I have and I think that it's going to be helpful for myself to have what was overall allocated to the County, to the City, to BDD, because I'm hearing there's a difference between the actual water that you can use and what can be diverted, which is what Las Campanas has an ability to divert 1,800 acre-feet but they don't have 1,800 acre-feet of right. They would have to obtain that water right through us or we would sell them that right is what I'm hearing. Or do they have 1,800 acre-feet of water right and diversion capacity, both?

MR. GUERRERORTIZ: From San Juan Chama they have 1,800 acre-feet a year of water rights. At this point they have diversion capacity also.

COMMISSIONER ANAYA: 1,800 acre-feet of right and diversion capacity and what we're selling them is the ability to wheel it through the diversion project and the expense associated with getting it from the river to their golf course.

MR. GUERRERORTIZ: To BS 2-A.

COMMISSIONER ANAYA: To that diversion point again to where they're going to take it in and retain it. What I was going to say, Madam Chair, is that this project, as I've said in the previous two meetings, potentially has an ability, if we go through with it to free up effluent water that the City could potentially put back into the river to provide effluent water to La Cienega, La Cieneguilla, La Bajada. Is that correct?

MR. GUERRERORTIZ: Madam Chair, Commissioner Anaya, the City delivers up to 450 acre-feet of treated effluent to Las Campanas at this point and they're in agreement that they have between the two parties. Once, if and when this agreement is approved, then we will provide the water, the raw water, not the City, and you're

absolutely right. The City would have the opportunity to put some more water in but we don't have any control over that.

COMMISSIONER ANAYA: Right. Madam Chair, that being said I have more questions than I think you're ready to hear today and I think I would move to table so that we could ask those questions of staff and have a more detailed discussion about some of the particulars. I'd move to table.

CHAIR VIGIL: I have a motion to table. Is there a second?

COMMISSIONER MAYFIELD: Madam Chair, I'll second.

CHAIR VIGIL: I have a motion to table with a second. This motion does not require any discussion.

The motion failed by 2-3 voice vote with Commissioners Anaya and Mayfield voting in the affirmative and Commissioners Holian, Stefanics and Vigil voting no.

CHAIR VIGIL: Motion to table fails 2-3. Commissioner Holian.

COMMISSIONER HOLIAN: Madam Chair, I'm ready to make a motion. I feel that in this case the Club at Las Campanas does have their own water rights and this is what they would be using. They will be curtailed just as everybody else would be if the flow in the river is below a certain amount. Is that correct?

MR. GUERRERORTIZ: That's correct.

COMMISSIONER HOLIAN: And I think that this is a good thing because it's giving our utility a guaranteed income. So I move to approve.

CHAIR VIGIL: I have a motion to approve. Is there a second?

COMMISSIONER STEFANICS: I'll second.

CHAIR VIGIL: Okay. I have a motion and a second. And Commissioner Mayfield, I did say I would take motions at 4:10. It is now 4:20. Do you have a point you want to make on this motion?

COMMISSIONER MAYFIELD: I have two more questions, Madam Chair, and usually, typically, when motions are made –

CHAIR VIGIL: Okay. You may go ahead and make and pose your questions.

COMMISSIONER MAYFIELD: Thank you, Madam Chair. Real quick, Madam Chair, on two points that Commissioner Anaya brought up. The first one, and Pego you may have this answer. Does the City, if we free up this water, do they not have the capacity to move greywater wherever they want? What's the City's capacity? Are they capped out right now?

MR. GUERRERORTIZ: The City, Madam Chair, Commissioner Mayfield, as far as I know, the City is selling or using or discharging into the river all of their effluent. There's only three ways they can do it.

COMMISSIONER MAYFIELD: And then second, Madam Chair, how, if Las Campanas has up to 1,800 acre-feet of this water coming out of the Rio Grande, how are they getting it to Las Campanas? Are we building infrastructure for them to take it? Are they wrapping it around through the City's infrastructure? How are they getting their diversion of their water now?

MR. GUERRERORTIZ: Madam Chair, Commissioner Mayfield, there's two Las Campanas and we have to keep them separate. The Las Campanas co-op has the 1,800 acre-feet a year, and they're associated somewhat with the Club. But they're not the same entity. And Las Campanas Co-op has 1,800 acre-feet of water rights and they also have the 1,800 acre-feet of diversion capacity. Out of the 1,800 they are deeding approximately 600 to the golf so they can divert; they have the ability to divert.

The water rights are not being deeded to the golf course. The water rights belong to the County to provide the water to the golf course. And the water is important in that the utility – if you have a big customer, let's say for instance Intel wanted to have a plant here we would go through the same discussion. How much water they're going to need, what kind of revenue will it bring to the utility and how viable the utility becomes by having it as a customer. Once we become viable then we have the ability to plan for the future and to invest in future needs, and the future needs will be tanks, will be water rights, will be pipes, will be pumps, all those things.

But at some point we have to make the step.

COMMISSIONER MAYFIELD: Thank you, Pego. Also in your summary memo you have it is anticipated that until the Water Service Ordinance is adopted currently under review for legal form, when are we expecting our new water ordinance?

MR. ROSS: Madam Chair, Commissioner Mayfield, we're working on it fairly intensely right now. We expect to bring it forward in a meeting or two.

COMMISSIONER MAYFIELD: Thanks. Madam Chair, again, my point would be until we have that water ordinance I think we should definitely wait on passing this. I know there is a motion on the floor. I would say this: I will be voting against this. One, we never acquired any water rights when we purchased Santa Fe Canyon Ranch. Two, there's potential – there's potential – that we are going to be giving up groundwater now to a golf course in Las Campanas. And then three, this came to us from kind of a last minute effort. This is the first I saw when you guys gave me my packet. There are amendments, modified amendments to this agreement that just came to us an hour or ten minutes before the discussion started or as the discussion started. I have problems with that, how things are getting onto the Consent and how they're coming to us, and again for those reasons and probably more, because I think this could merit a full day discussion with public hearing, I will be voting against this. Thank you.

CHAIR VIGIL: I'm going to go ahead and ask the maker of the motion to withdraw her motion and see if the seconder would be willing to agree to that so that we can table this to further educate the Commission on this. So with that, would the maker of the motion be willing to withdraw her motion?

COMMISSIONER HOLIAN: Yes, I will withdraw my motion.

CHAIR VIGIL: What about the seconder?

COMMISSIONER STEFANICS: Yes.

CHAIR VIGIL: Okay. Commissioner Anaya, I'll entertain a motion to table.

COMMISSIONER ANAYA: Move to table, Madam Chair.

COMMISSIONER MAYFIELD: Second, Madam Chair.

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

CHAIR VIGIL: We'll bring this motion for further discussion at the next BCC meeting.

COMMISSIONER STEFANICS: Madam Chair.

CHAIR VIGIL: Yes.

COMMISSIONER STEFANICS: I didn't really have the time to make comments or ask questions but I think there are a couple of issues here at play. One is we're talking about raw water, and it's a customer that we could obtain versus the City of Santa Fe. Secondly, we do need to expand our customer base in order to make our water utility viable. So because it's raw water it's non-potable, it's not groundwater, that is the reason I supported it. Thank you very much, Madam Chair.

IX. B. Proclamation Honoring the Work and Life of Shad Ireland and His Contribution to Kidney Disease Awareness and Prevention (Commissioner Vigil)

CHAIR VIGIL: We can now move on to the next item which I have withheld until the recipients of the item arrived and I see they have arrived. You're here. And I'm very pleased to be a co-sponsor to this event. This event came to us basically because New Mexico is one of the highest states in the nation that is dealing with diabetes and we also have a really dire need to re-examine the dialysis treatment that is actually occurring, not only in Santa Fe but throughout the state and regionally.

There is an event that's coming up. It's going to be an educational outreach component of this and I know that the City is on board, St. Vincent Hospital, Christus St. Vincent's, and there have been many people who have been a part of this but in particular it came to my attention by Anita De Dominico – Anita, would you please stand? I know that your passion for making this happen really initiated this. You're the one that called this to my attention. Carol Robertson Lopez, City Councilor Carol Robertson Lopez, became very engaged in this and I know that you all have been working on this for quite some time.

I want to just, before I read the proclamation, tell you about this event. Shad Ireland, who was just ten years old when he got the devastating news that his kidneys were failing. Doctors told him he would never fulfill his dream of becoming a professional athlete, and he would never get married or live a full life, at the age of ten years old. Today, 39-year old Shad Ireland was the first kidney dialysis patient in the world to successfully complete the grueling Ironman Triathlon. That was in 2003. Twenty triathlons later he brings Take on the Tour Ride for Life, and that's what he's doing here in Santa Fe. This is a community-based initiative to raise awareness of kidney disease to Albuquerque, Santa Fe, and Silver City in particular.

The event, including free health screenings and other activities will occur September 16th through 18th.

Diagnosed with chronic kidney disease at the age of ten Shad survived two failed kidney transplants and is now a home dialysis patient, pushing his body to the limit. He is

not here today but I am anxious to meet him. "I am an extreme case," says Ireland. "I do Ironman and all those crazy things, but the goal for me at the end of the day is to show that people can successfully live with this disease. The question I ask people is what inspires them. I am inspired to be an athlete and to do these things that drive kidney disease prevention, education, of which the leading causes are high blood pressure and diabetes. It's one of my passions."

Two other people besides Anita and Carol that I need to thank are Rita Maes – thank you so much, the City of Santa Fe, I mentioned Christus St. Vincent's and the City of Santa Fe as co-sponsors. Shad Ireland is committed to the education, prevention, awareness and access of the Shad Ireland Foundation. And I am particularly pleased that he actually even considered coming to Santa Fe and recognizes that we in Santa Fe as being one of the highest areas of diabetes need this component very, very much. But I'm also very honored to present the proclamation and I'm going to read to whom it's going to be presented, and then I'd like to read the proclamation and then allow you all an opportunity to respond. We also want pictures afterward.

I'm very, very honored to introduce Russ Francis. Mr. Francis, would you please stand up? You're one of the celebrities, one of the few celebrities that we've had visiting Santa Fe County. Thank you so much for being here, and I know that you tried to get earlier and had a flight delay, so I'm really pleased that you even made it.

Russ Francis is a former professional football player who was drafted by the New England Patriots, New England Patriot fans. In the first round, 16th pick of the 1975 NFL draft, he finished his career with 393 receptions for 5,262 yards and 40 touchdowns. In 1976 during the 30-27 win over the Steelers – sorry Steelers fans – Francis caught a 38-yard touchdown pass on fourth and second and had a career best 139 yards receiving in that game. As a result, Howard Cossell, and most of us up here except maybe you, Commissioner Mayfield, remember Howard Cossell, proclaimed him as the All-World tight end, duly so because of your record.

During his time with the Patriots, Russ was the first Patriot tight end with three career receptions on fourth down plays. Francis was a three-time Pro Bowl selection from 1977 through 79. He came out of retirement after sitting out the 1981 season, joined the 49-ers again and won a Superbowl and a Superbowl ring as a member of the 1984 49-ers team. Francis played a key role in San Francisco's win over the Miami Dolphins in Superbowl XIX with five catches for 60 yards.

Mr. Francis, we're so honored to be here, and I know above and beyond your football career, you've entered into wrestling – you've done so much that really represents pro athleticism and for you to be able to represent that on behalf of Shad Ireland is wonderful. Thank you for lending yourself to this. And with that, Commissioners, the proclamation reads as follows:

Whereas, Shad Ireland has been on kidney dialysis for twenty-nine years and is the first person on dialysis to ever compete and complete an Ironman Triathlon; and

Whereas, he has completed several Ironman Triathlons and over twenty triathlons; and

Whereas, Mr. Ireland is an advocate, motivational speaker and spokesperson for the global community of people suffering from kidney disease; and

Whereas, he established the Shad Ireland Foundation to raise awareness for the leading causes of kidney disease, which are diabetes and high blood pressure and to inspire people and give them the tools and resources they need to make a change in their lives; and

Whereas, a prime focus of the foundation is to provide prevention, education, access and awareness tools for the leading causes of kidney disease to underserved communities and communities of color, and

Whereas, New Mexico is listed among the top three states with the highest incidence of diabetes related kidney disease; and

Whereas, preliminary research shows the rate of diabetes related kidney disease deaths is two hundred ninety-six percent higher among Native Americans and Hawaiians and one hundred twenty percent higher among Hispanics than among Caucasians; and

Whereas, Shad Ireland has embarked upon a cycling tour called "Take on the Tour" which is taking on several of the toughest stages of the major cycling tours around the world over the next twenty-four months; and

Whereas, the ultimate goal of this tour is to raise money for the Shad Ireland Foundation's project endowment to ensure the programs of the foundation will live on and that communities will continue to be served; and

Whereas, on Friday, September 16, and Saturday, September 17, 2011, Shad Ireland will present his message in Santa Fe at the Mary Esther Gonzales Center and the Genoveva Chavez Center to promote kidney disease prevention.

Now therefore, be it resolved, by the Board of Santa Fe County Commissioners that recognition be extended to Shad Ireland and the Shad Ireland Foundation and that Shad Ireland be commended for his contributions and achievements in combating renal disease in New Mexico and the nation.

I move to approve.

COMMISSIONER HOLIAN: Second.

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

CHAIR VIGIL: This is approved, adopted and passed, on this 13th day of September 2011, and I'd like a round of applause for Shad Ireland. Commissioners, if you will join me in presenting this proclamation. Please step forward, all of you involved in this, and we will present you with a proclamation and we'll take pictures and then allow you to speak.

Anita's going to speak and please stand next to her. You will be next. Ladies and gentlemen, the instrumental person in our community on this is Anita de Domenico. Anita, thank you for being here.

ANITA DE DOMENICO: My pleasure. Thank you, Madam Chair, and honorable County Commissioners. As you know, I'm really honored to be here today. I want to thank especially Rita Maes for helping me make these events possible. Rita and I have become soul mates since both our husbands are on dialysis. Rita and my unbelievable friend Carol Robertson Lopez are doing an amazing job as co-chairs for the Santa Fe portion of this event.

My husband's kidneys failed and I went with him to dialysis. I was shocked to see what was involved and equally shocked at the number of young people and people under 50 of mainly ethnic origins on dialysis. I soon learned that diabetes and kidney failure strike New Mexicans at a higher rate than anywhere else in the US. The worst sufferers, as you said are the Hispanic and Native Americans of the Southwest. New Mexico and Hawaii and the state of Washington, DC share the same shameful number one ranking for diabetes-related kidney disease and it's really sad because prevention through simple education could change it all, and my home is that maybe New Mexico could become the standard for the rest of the country. It would be really neat if we could do this.

When Paul and I met Shad Ireland, who you heard about, we were impressed by his courage, and it was just at the beginning of Paul entering dialysis and believe me, we really needed that kind of inspiration. With his story I saw a way to make a difference by raising awareness in New Mexico. So I thank you also especially, Madam Commissioner because you were one of the first to come to my aid and to support me, just gave me full support and I'm so appreciative.

And at this point I'm going to introduce somebody who you haven't already met already, my dear, dear friend, and almost son, Russ Francis who is here this entire week to support our efforts to raise this awareness. In addition to being a famous athlete and having won the Superbowl for the San Francisco 49-ers, he also carries native Hawaiian blood. So we felt that he would have a wonderful voice with native people in New Mexico. So dear Russ, please share some of your aloha with our friends in New Mexico.

CHAIR VIGIL: Aloha, Mr. Francis. Welcome. Bienvenido.

RUSS FRANCIS: Aloha. Thank you for putting up with – I wanted to thank you. It really is a privilege, Madam Chair, Commissioners, to be here. I would have been here for a month if I was asked by Paul and Anita De Dominico to be here, or two months or three months. Coming from Hawaii, Hawaii suffers a similar fate in many cases with diabetes and the kidney failure related to diseases, so this means a great deal to me being here this week. And a young man like Shad Ireland who has done so much under such adversity, it's a true inspiration, not just to other athletes like myself but to anybody who's ever stepped on a field and played Little League baseball or soccer or anything else and know the difficulties that you have to begin with to be challenged by something as deadly as what he's had since the age of ten.

So the fact that all of you have supported this, the fact that the word is getting out and will continue to get out across this country, emanating from the epicenter, which happens to be Santa Fe, New Mexico today, I thank you very much. It's a privilege to be here.

CHAIR VIGIL: Thank you, Mr. Francis. I just want to recognize Paul De Dominico. Paul is a dialysis patient. What a delight to see you here today, Paul. Thank you for joining us. And I also want to let the Commissioners know about a benefit and I'll pass out information to them, that is to raise awareness and fundraising. If any of you would like to go and meet Shad Ireland himself and visit with our celebrity guest. So I'll be passing that around. Thank you all for being here. Thank you, Anita, for being such a significant contributing member in our community. You also are a constituent of mine, so

I'm proud to know you all. With that, ladies and gentlemen, we will move to the next item and that is redistricting.

MS. MILLER: Madam Chair, would it be possible, before we do that, to do item XIII. A. 1? There are some individuals who have been here waiting since the beginning of the meeting. It's the COLTPAC item.

CHAIR VIGIL: That's sounds good.

XIII. STAFF AND ELECTED OFFICIALS' ITEMS

A. Public Works/Utilities Department

1. Request Approval of a Purchase Agreement for Approximately 50 Acres Located at the East Terminus of Brownell-Howland Road, Santa Fe, From the Santa Fe Conservation Trust on Recommendation From the County Open Lands, Trails, and Parks Advisory Committee (COLTPAC). Purchase Price is \$125,000 (Open Space and Trails Program)

COMMISSIONER HOLIAN: Madam Chair.

CHAIR VIGIL: Yes.

COMMISSIONER HOLIAN: I would like to recuse myself from this case. My husband is a member of the board of the Santa Fe Conservation Trust, and thereby might be construed as having a financial connection to this. Thank you.

CHAIR VIGIL: Thank you, Commissioner Holian. Beth, please proceed.

BETH MILLS (Open Space and Trails): Good afternoon, Madam Chair, Commissioners. I'm really happy to bring this forward to you today. We've been working on it for a while. This acquisition is a beautiful piece of property in the foothills of the Sangre de Cristos outside of Tesuque, and most importantly it's going to allow us to make an important connection between the Dale Ball trails and our Little Tesuque Creek open space, and eventually on from there into the Santa Fe National Forest. So it's a really important link that we've been looking at and working on for a long time.

On September 13th of last year, 2010, the Santa Fe Conservation Trust submitted their application to COLTPAC for the purchase of this property, which is approximately 50 acres on Brownell Howland Road in the city of Santa Fe, and as I said, it's located in the foothills of the Sangres and has magnificent views, a beautiful piece of property. At the meeting the previous month on August 19, 2010, COLTPAC members had conducted an exercise which I've mentioned to you before to score seven potential acquisitions so that they could prioritize them, and this is the project that scored number one when we were doing those priorities.

And then finally, at a special meeting of COLTPAC on October 7, 2010 the committee voted unanimously to recommend the acquisition to the Board of County Commissioners. Since that time staff has been in negotiation with Santa Fe Conservation Trust for the acquisition. So the acquisition of this property would allow for a trail connection between the Dale Ball Trail Network and the County's open space at Little Tesuque Creek, and eventually connect to trails in the Santa Fe National Forest. The trail will provide a key link, as I mentioned in the regional trail network, and as part of the

purchase agreement Santa Fe Conservation Trust will construct or have constructed the trail to achieve the connection, and the trail will be a little over two miles in length and will be built to US Forest Service trail standards.

The property was appraised for over \$1 million in April of this year. The purchase price that we have negotiated with the Trust is \$125,000. This money will come from the joint regional gross receipts tax fund that have been budgeted for this project. So what we're requesting of the Board is the approval of the purchase agreement with Santa Fe Conservation Trust for this approximately 50 acres for \$125,000, and the property is to be used to provide a trail connection between the Dale Ball Trails, Little Tesuque Creek open space and as County open space. Thank you. I'm happy to answer questions.

CHAIR VIGIL: Questions? Commissioner Anaya, then Commissioner Mayfield.

COMMISSIONER ANAYA: Madam Chair, I was just going to make a motion.

COMMISSIONER MAYFIELD: May I ask a question, Madam Chair?

CHAIR VIGIL: Sure.

COMMISSIONER MAYFIELD: Madam Chair, thank you. Ms. Mills, just a quick question. Residents out in Tesuque on a County road – and I support this project; I want you to know that. But there's some concerns with some residents as far as just parking on a County road to access the trailhead. Do you all talk to local residents on – I think this was Brownwell Howland Road? Have we talked to those residents? Just for the fact that there's a lot of cars going on that County road, parking. Then there's issues with private trespass and everything else. Have you at least spoken to those folks out there?

MS. MILLS: Madam Chair, Commissioner Mayfield, the public will not be accessing this property from Brownell Howland Road. It will be accessed from the trailhead at Dale Ball, Sierra del Norte, I believe is the road. So there is already a trailhead that the City maintains there, and parking, and that is the primary access for the trail that's going to be on this property. No one except emergency vehicles or County staff will be accessing it by Brownell Howland Road.

COMMISSIONER MAYFIELD: Okay. Thank you so much, Madam Chair. Madam Chair, with that I would move for approval.

COMMISSIONER ANAYA: Second.

CHAIR VIGIL: I have a motion and a second. Do you have a question? Before we take the vote did you want to address anything?

COMMISSIONER ANAYA: No.

The motion passed by unanimous [4-0] voice vote. [Commissioner Holian recused herself from this action.]

XIII. A. 2. Request Approval of Resolution No. 2011-137, a Resolution Authorizing the County Manager to Execute Closing Documents with Santa Fe Conservation Trust for the Purchase of Real Property. (Open Space and Trails Program)

MS. MILLS: Staff requests approval from the Board granting authority to the County Manager to execute closing documents with Santa Fe Conservation Trust for approximately 50 acres at the terminus of Brownell Howland Road in Santa Fe.

COMMISSIONER STEFANICS: I'll move.

CHAIR VIGIL: I'll second. Any questions?

The motion passed by unanimous [4-0] voice vote. [Commissioner Holian recused herself from this action.]

XIII. B. Matters From the County Manager

1. Redistricting Update [*Exhibit 2: Redistricting Options*]

CHAIR VIGIL: How much of an update do you have for us Erle?

COMMISSIONER STEFANICS: Madam Chair, I have an issue I want to bring up today.

CHAIR VIGIL: Okay. I'm wondering if the League of Women Voters wanted to address the Commission on anything also. I'm trying to budget time here. Not particularly. You're welcome to if you discover it. With that, Erle, you are updating us with the redistricting. Please proceed.

ERLE WRIGHT (GIS Division): Yes, Madam Chair. Essentially, this is just an update from what we've done before. There are five options that we've pared it down to at the August 30th meeting. There was also a written narrative that describes the options in a little more detail, gives boundary descriptions of the precincts that are changing and a summary of the precincts that are moving, either being added or deleted from an existing Commission district. So essentially, we have our public hearing scheduled for our last meeting here in September, I believe September 27th. So we're at a point of just considering the options that are before the Commission and taking direction from the Commission for any further –

CHAIR VIGIL: Okay. Commissioner Stefanics, you had some comments?

COMMISSIONER STEFANICS: Yes. Thank you, Madam Chair. I attended one day of the State Interim Redistricting Committee and during that time I was present for maybe one hour of the public comment. And during that time several members of Eldorado and the 285 Corridor made their point to the Legislative Interim Committee that Precinct 83, across the road from Eldorado was considered part of their community, and they did not want to be separated from Eldorado for legislative purposes. Now, that's a different issue from what we're discussing. But then they approached me and indicated that they felt that as a water and sanitation district, a political subdivision, that created a definition of community, and that they would request not to be separated.

Most of the maps that we're reviewing do separate them. So that doesn't leave us many choices if we take it as a consideration. And I wanted to bring it to the attention of this body because there was a group of people who felt that was an issue legislatively, and they specifically talked to me about it as well.

CHAIR VIGIL: Okay. Any other comments? Seeing none, I think I'll ask Ms. Miller what the schedule is with regard to this. What's next?

MS. MILLER: Madam Chair, Commissioners, from the last meeting the Commission has narrowed it down to five choices of the maps. I would like to make just one comment on Commissioner Stefanics' concerns. It does not break up – they have their own district boundaries for the Eldorado water and sewer and our redistricting goals, under those it doesn't affect their district boundaries, their voting within their district. So our redistricting doesn't change that. It's very difficult in any one of the scenarios to not break up communities of interest or political subdivisions because we end up with school districts, the City of Santa Fe, the City of Espanola, the Aamodt settlement area, the Pojoaque Water and Soil area.

So I just want you to keep that in mind. There are other entities that are considered political subdivisions or communities of interest that are represented by more than one Commissioner. I think it is a consideration for sure but it is difficult to provide scenarios that wouldn't possibly have effects like that and stay within the parameters that you also had requested of incorporated representation as well as unincorporated representation, and least change type options.

So what we have with the five that it was narrowed down to before, Erle has provide you with those five maps in addition to a summary, which was suggested by the League but I will have to tell you it's a 13-page summary, but actually you did a really, really good job of making a bullet point on each map and what it does to the boundaries on each district, what makes those boundaries, what changes are made, how many precincts would be lost, how many precincts would be gained. It gives you a real good ability to analyze those different options.

I think what we need to look at doing today is trying to weed out the ones that are not really feasible and see if we can't get it down. Hopefully we can get it to one or two options for the public hearings.

CHAIR VIGIL: Thank you, Katherine. Any other comments? Seeing none, I'm not sure that this is possible, Erle, because it's actually option D. But option D that we got rid of last time really was not feasible for some of the Commissioners. But if it's at all possible to address the issues that other Commissioners have with option D I have wanted to play with the boundaries. I currently represent Upper La Cienega and I've heard from those residents that they'd also like further representations there. That of course would be my desire to have more rural representation in my district because what the current maps have is have me quite urbanized. And the Airport District that is being placed – those precincts are also going to be annexed, so I will have even a later area of annexation. I think this disincentivizes a Commissioner to really look at the balance of urban-rural issues.

It might be possible that that's not tweakable but if there's something that's tweakable that can be addressed I'd like to see if that might be able to come back. If it's not, just be able to explain that is all I'm asking. Okay? It might not be possible. We had

that conversation at one point in time and it does create some obstruction in the balance there. It's just the way the numbers are turning out and I would thoroughly understand if it's not. Okay? Are we okay?

COMMISSIONER STEFANICS: Madam Chair, Commissioner Mayfield and I were having a sidebar. Precinct 23 has about 1200 people in it and he was looking at his district and might have another way to handle this, the Precinct 63, but that's up to him to recommend.

COMMISSIONER MAYFIELD: Madam Chair, I don't know if this is where you want to go but I was just looking at some of our concept maps to hear the needs of the Eldorado community and I think on some of the maps they vary with different precinct changes, particularly looking at C-3. If that precinct, again, just a suggestion. It was Precinct 63, Commissioner Stefanics? If Precinct 63 went back to Commissioner Stefanics, Precinct 9 moved over to Commissioner Holian, and then it still was my area, Precinct 27 could return back to me. And then arguably it would give or take 100 residents, 200 residents at the most I think. Just for what it's worth.

CHAIR VIGIL: And it's sounding like maybe you could study some of these requests and see if there's feasibility to address it, and that probably can't be done right now. I would also recommend that with the current five maps that we have, if they could be blown up and maybe placed in the downstairs area and identified as Plan A, Plan B, Plan C, and let people know through the website and the connection we have there that they are available for viewing at the County.

I think we did that when we did redistricting last time. We actually had them here in the Commission Chambers. These Chambers get used more often than they ever have been so I'm thinking maybe something in the hallway. I'll let Katherine and you discuss what might be feasible.

MS. MILLER: Madam Chair, we could do that. I would say that probably the best thing, if you select something different from these five, if you kick some of these out and want some different options back that we do it when we get it down to the ones that we really consider for the main public hearings. Only because a lot of these, if they're going to get tossed out it's going to get expensive to do that, and if they're not viable options –

CHAIR VIGIL: That makes sense, Katherine. Thank you. Once we do know what action we may be taking on them then we can include those. Okay. If there are no other questions, thank you very much, Erle.

COMMISSIONER ANAYA: Madam Chair.

CHAIR VIGIL: Commissioner Anaya. Do you have a question for Erle?

COMMISSIONER ANAYA: I have a question for my fellow Commissioners.

CHAIR VIGIL: Okay. Thank you, Erle, appreciate it.

COMMISSIONER ANAYA: And I went and had a brief discussion with Mr. Wright in regard to some of the precincts that had higher Hispanic volumes and different ethnic backgrounds and make-ups. Precinct 75 was one of the precincts we were talking about specifically. But I left the office, because when I went back and looked at the minutes, we made some recommendations on the five that we were narrowing it too. So as a result of that discussion, you answered my questions, Erle, as best as you could,

as far as adjustments associated with the five maps that we have, but am I hearing we're going to start over? We're going to add more maps? Because I thought we were at the five and we were going to try to pare it down. So I just from my colleagues would like clarity as to where we're going, because at the last meeting we had a lot of discussion and we narrowed all the maps down. Are we going to reopen them up again or where are we at?

CHAIR VIGIL: I actually think my request was simple, for him to get with me to see if it's feasible, and if so, I think maybe I would make a recommendation to bring it back but I'm just looking at the feasibility at this point in time. And the other thing is, despite the fact that we've narrowed it down, we may need to look at more maps once we have our public process. So I think our narrowing creates the opportunity for us not just to be so involved in a lot of volume and I think that's what we did last time, so I'm not sure that we are going to increase any requests. I'm not at this point; I'm just looking at the feasibility and I think in the future we'll have to provide ourselves the opportunity to look at what might work best.

COMMISSIONER ANAYA: Okay. Madam Chair, then I do as a discussion point item want to bring up the item that I had the conversation with Erle about for contemplation and we'll see what happens with the public input process. Precinct 75 currently resides in Commissioner Stefanics' district and I wanted to see about keeping that in Commissioner Stefanics' district, in District 5, and possibly utilizing Precinct 14 in District 3, which is contiguous to the La Cienega precinct. I know it has other implications but if we're going to look at other things that were brought up today then let's have that as a potential analysis as well when you look at the others because the conversation that we've had, and I think it would be helpful for you to restate it, Erle, because you clearly articulated it in every meeting, both in the Commission meetings and offline is that any change that we do to these maps now at any time, cascades.

So it's not a matter of moving one precinct over and switching two and it's done, it has a cascading effect and it impacts all of the maps. Do you want to elaborate on that?

MR. WRIGHT: Madam Chair, Commissioner Anaya, that is the nature of the beast. A change has a ripple effect across the rest of the districts. But I can certainly take a look at these things and get back to you individually if that's the proper way to do it. We'll go from there when we have the public hearings at the next meeting.

COMMISSIONER STEFANICS: Madam Chair.

CHAIR VIGIL: Commissioner Stefanics.

COMMISSIONER STEFANICS: I'd like to clarify something. Statistically, we would not want to be above or below a five percent?

CHAIR VIGIL: That's correct.

MR. WRIGHT: That is correct.

COMMISSIONER STEFANICS: So as you receive any of these requests to create something new or to look at something you would let us know directly if we're above or below that five percent.

MR. WRIGHT: Madam Chair, Commissioner Stefanics, that's actually the ripple effect is I wouldn't bring you anything that is out of that range. I would bring you

an option that does what was asked for and also the ripple effects that would be needed to keep it within that minimum deviation, or maximum deviation of five percent.

COMMISSIONER STEFANICS: Okay. So Madam Chair, what my comment is is we need something that we're going to vote on and agree on. So if we end up with five maps that we all vote differently on and don't come up with a clear majority we're not accomplishing our goal either. So I understand that it takes time and money. But if I currently have constituents who are opposing something that's going to help me decide whether to support or oppose it. And as far as looking at different precincts, I think we can manage precincts. We all can go out and meet people and represent people; I'm not concerned about that. I'm concerned about meeting the standards that are set and I realize community is not the top one, it's like fourth or fifth on the standards. I realize that we want to make sure that it's statistically close. I recognize we want to have appropriate ethnic and racial representation. Is that correct?

MR. WRIGHT: That's correct.

COMMISSIONER STEFANICS: So I understand that there are those tenants but I also know that we are going to vote on this and if we don't reach some concurrence we're going to be all over the board. Thank you.

CHAIR VIGIL: Thank you.

MS. MILLER: Could I make a comment?

CHAIR VIGIL: Sure.

MS. MILLER: Erle and I had a conversation about this. I think that what we've tried to do is bring forward, like the ten or eleven maps that we had left were kind of all the ones that were feasible before we are basically starting with different criteria. So we're trying to narrow you down, but – correct me if I'm wrong, Erle, but we went through a lot of these and then talked about, well, are there any other possibilities that stay somewhat into this criteria and staying within that deviation. They start to get not feasible. So I don't know if we want to go back and show you all the not feasible ones again, but I don't know if there's that many other options without it really changing the district. So it might be helpful because I think we might be going backwards here and I just want to make sure that we're not before we end this discussion. So we know where to go next. That's what I'm concerned about.

CHAIR VIGIL: Okay. Rebecca Frenkel wanted to address us. Rebecca, would you come forward?

REBECCA FRENKEL: Rebecca Frenkel, City of Santa Fe. I just want to make a comment. One of the requirements of redistricting is that it's based on the last census. And so I think that if you start looking through a crystal ball as to where you think annexation will take place, or there will be an increase in population, that you are probably sort of stretching the requirements. You can redo these in five years if you feel you need to. But I think that it's important – well, let me just say, we have no idea when annexation will take place. The City's been looking at this for 20 years. They've been thinking about annexing certain properties. Their budget isn't so they can afford to do any annexations right away.

So I think that I want to encourage you just to stick with the numbers you have, not to try to look in a crystal ball for where you think there will be increases in population

based on what's happened in the last ten years, because the last ten years have been very different than say, the last two or three years. So it's just hard to know.

CHAIR VIGIL: Thank you, Ms. Frenkel. With that we're going to move on to the next item on the agenda.

COMMISSIONER STEFANICS: Madam Chair, I did have –

CHAIR VIGIL: Oh, I'm sorry. Go ahead.

COMMISSIONER STEFANICS: And this question is for Erle. Out of the nine or eleven scenarios that you presented to us in the past, not just these five, were any of those not appropriate statistically?

MR. WRIGHT: Madam Chair, Commissioner Stefanics, no. All of those have been within statistical deviation.

COMMISSIONER STEFANICS: So A through D, subcategories, they all could be considered?

MR. WRIGHT: Absolutely.

COMMISSIONER STEFANICS: Thank you very much.

COMMISSIONER ANAYA: Madam Chair.

CHAIR VIGIL: Yes.

COMMISSIONER ANAYA: Just for clarify, staff is going to print up the five maps that we've provided priority for, post those downstairs, and we're going to have public comment on the five maps and see what happens with that?

CHAIR VIGIL: Actually, we're not going to post them and we're not going to blow them up until we've created the maps that we're going to be taking action on. Is that what you were representing?

MS. MILLER: That's where I was confused, because I wasn't sure because there were some requests for additional ones –

CHAIR VIGIL: No, there is no request for additional ones, there was a request to look at a feasibility of looking at whether or not. Now, the feasibility may be there and may not and I've actually identified if in fact the feasibility is there I might motion to reconsider another plan, but we haven't done that.

COMMISSIONER ANAYA: Madam Chair, for clarity of direction I would say that we post the five maps that we have and afford the public comment to take place and if things happen in public comment or Commissioners that would want to bring things forward, but in the interest of progressing forward and not regressing I would ask that we go ahead and just post the five maps and then let's see what kind of feedback we get.

COMMISSIONER STEFANICS: On that point.

CHAIR VIGIL: Commissioner Stefanics.

COMMISSIONER STEFANICS: I believe, Madam Chair, that we have said to the public that we would have a public hearing on the 27th about this, and if that is correct then the public needs to know which maps we are wanting them to comment on. So I would support getting those posted. That's all I was going to say. If that's when we're having a public hearing.

MS. MILLER: Madam Chair, Commission, that's great. That's what we'll do.

XIII. A. 3. Request Approval of an Award of Agreement No. 2011-0225-UT/TRV to the Lowest Responsible Bidder. Sparling Construction, Inc. for the Construction of the San Marcos Transfer Station in the Amount of \$712,037.50 (Public Works Department)

ROBERT MARTINEZ (Public Works Department): Madam Chair, Commissioners, the County Purchasing Division solicited an IFB for construction services at the San Marcos transfer station. A total of three construction firms submitted bids. Sparling Construction was the lowest qualified bid and Public Works and Purchasing are recommending approval of a contract with Sparling Construction for services at the San Marcos transfer station.

COMMISSIONER ANAYA: Madam Chair, hold on. Let me call former Commissioner Anaya on the phone here and let him know. I know Commissioner Anaya worked hard on this project and there's been a lot of ups and downs but there's nobody more ecstatic than he, I'm sure. But the constituents in both Commissioner Stefanics' district and mine will be utilizing this station, so I happily move for approval, Madam Chair.

CHAIR VIGIL: I have a motion.

COMMISSIONER STEFANICS: Second.

CHAIR VIGIL: Is there any further discussion?

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

XIII. A. 4. Discussion and Adoption of Santa Fe County's Infrastructure and Capital Improvement Plan (ICIP) for Fiscal Year 2013-2017 (Public Works/Projects and Facilities) [Exhibit 3: List of Potential Projects; Exhibit 4: Possible Top Five Rankings]

CHAIR VIGIL: I would just recommend that you let us know if there's any amendments to the previous one we've seen. This is a public hearing. I need to ask, is there anyone in the public out there who wants to address the Commission on this ICIP plan, please raise your hand.

PAUL OLAFSON (Projects and Facilities): Madam Chair, Commissioners, I did want to note just a few little minor changes since the addition I sent out on Friday. On page 1 we added the Cundiyo Community Center – additional parking. On page 2 we renamed two water projects, Utilities – District 2 Water Buckman Bypass, and Utilities – Zone 6 Main along 599. In District 3 we added the word “Utilities” to the La Cienega wastewater system feasibility, and the La Cienega wastewater system. Also the La Cienega/Los Pinos Spine water line loop – Phase 1 is renamed La Cienega miscellaneous water line extensions. It's renamed from Paseo C de Baca and the Upper La Cienega and Los Pinos Road spine water, group 2 phase 2, La Cienega wastewater collection system improvements and water line improvements, Pressure Zone 5 and RV Reservoir were all renamed for District 3.

District 4 we added Utilities: Ellis Ranch tank and water line, Glorieta Regional System planning to include Village of Glorieta, Glorieta Estates, Glorieta East and surrounding areas, and also the Village of Glorieta wastewater collection treatment improvements. Those are all three added projects.

And then on page 6 under Santa Fe County, we added Edgewood Senior Center and improvements. Page 7, we added Santa Fe County Madrid Ballpark grandstands, and Santa Fe County utilities automatic controls system water supply system.

And then on page 8 there's a couple more changes in wording for Santa Fe County Utilities/Water, we added the word, or we changed the words water system improvements for La Vida, Sierra Azul water main, Santa Fe County – Utilities – Quill Plant effluent polishing with liner, State Pen and reworded Santa Fe County – Utilities – Quill Plant improvements – primary treatment/ sludge.

So those are just minor basically wording changes and a couple additional projects. Why I'm standing before you today is asking you to approve this large list, the eight-page list as the County's ICIP plan for this year and which will be submitted to the Department of Finance and Administration as part of the capital outlay process for the legislature to review and consider when they're looking at appropriations during the 2012 session, and this would be for 2013 through 2017. Also, I'm asking you to select a top five list of projects. That's the second list I handed out as the matrix. We need to select five projects and the County's top five choices. Every project that's in the list, on the main list, is also on this potential list matrix and all projects will be considered by the legislature or are eligible I guess by the legislature for funding. So by choosing one through five we're not eliminating a project being eligible for funding.

CHAIR VIGIL: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Thank you, Madam Chair and thank you, Mr. Olafson. As far as I had a few more community requests, just for a list of potential projects, can we still get with you and make additions to that, please?

MR. OLAFSON: Madam Chair, Commissioner, after this meeting or after this list is approved, when it's approved it's final.

COMMISSIONER MAYFIELD: I didn't think we were approving a list of potential projects. We're approving a list of the top five?

MR. OLAFSON: What I'm asking is for both tonight, to approve the entire plan and then to select five out of that entire plan for the top five.

COMMISSIONER MAYFIELD: Thank you. Madam Chair, Mr. Olafson, if I could add a couple things then, but again, it would be pending public comment as far as any traffic calming that we discussed earlier. I'd like to look at some traffic calming improvements for the La Puebla Road, and also you have speed bumps here on County Road 84E. A lot of the area residents have brought an issue to me as far as a guardrail along an arroyo that is pretty dangerous. So if we could just have those two I would appreciate that.

MR. OLAFSON: So that's 84E, guardrail.

COMMISSIONER MAYFIELD: Well, you have speed bumps, so maybe just do /also guardrail, road improvements.

MR. OLAFSON: Okay.

COMMISSIONER MAYFIELD: And then if we could just look at adding some traffic calming improvements to the La Puebla Road, knowing that that would be pending a public hearing for residents that may be opposed to that. As far as the top five project list, Madam Chair, Mr. Olafson, I believe at the bench we spoke about doing some stuff for our senior centers, maybe an addition of a senior center in a couple of Commissioners' districts and definitely vans, existing senior improvements. I don't see that in our top five or in our Santa Fe County regional.

MR. OLAFSON: Madam Chair, Commissioner, I believe on page 7, about three-quarters of the way – two thirds of the way down the page there's a senior center for Highway 14, if that's what you're referring to, and then under that there's two handicap accessible vans for senior services, under Santa Fe County as well.

COMMISSIONER MAYFIELD: And Madam Chair and maybe Ms. Miller should know this. The legislature, are they entertaining any capital projects now for the special session. I do know that they had some senior dollars available in the capital projects request.

MS. MILLER: Madam Chair, Commissioner Mayfield, this session they're looking at the capital outlay bill, looking at that capital outlay bill that didn't pass back. And that's that same bucket of funding and whatever was in there they're trying to get through this session.

COMMISSIONER MAYFIELD: Thank you, Madam Chair, Ms. Miller. And we don't need that to correlate with our top five County projects, or that's not needed?

COMMISSIONER MAYFIELD: Madam Chair, Commissioner Mayfield, those were put on for state needs through their process. They didn't do any local requests in that capital outlay unless it was considered regional. I think they will still – anything that we do in here is what they would consider for the regular session in January.

COMMISSIONER MAYFIELD: Okay. Thanks. I would just recommend that we move senior services up to the top five list. Thank you. Or at least top six.

CHAIR VIGIL: Okay. There's two ways we can go about selecting the top five and the top five is a requirement by DFA. Paul, is that correct?

MR. OLAFSON: Yes.

CHAIR VIGIL: Okay. What staff is done here is they've identified at least two projects within each district it looks like. Is that correct, Paul?

MR. OLAFSON: Yes, Madam Chair.

CHAIR VIGIL: And at the very bottom there are five projects that are countywide projects. In the past, what the Commission has done is taken action on countywide projects for our top five, but I'm going to leave it up to the Commission and ask their desire to look at taking action on the top five countywide projects, or the other alternative is for each one of us to identify one project within each one of our districts, and that would be the top five. Commissioner Anaya, is your desire on either one of those?

COMMISSIONER ANAYA: Yes, Madam Chair, I'd like to go district by district and provide priorities.

CHAIR VIGIL: Okay. Commissioner Holian.

COMMISSIONER HOLIAN: I can go either way.

CHAIR VIGIL: Commissioner Stefanics.

COMMISSIONER STEFANICS: Madam Chair, I feel the state is tending towards large projects and that's why they went to state projects. And I think we would have a better chance with countywide projects than with individual. I of course believe that many of my projects in my district are very important, so I would always want to include those, but I probably would put those at the six level versus the top five.

CHAIR VIGIL: Okay. Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, I'm fine, but I do understand of going for district-wide projects if we could get some of our local representatives to support them.

CHAIR VIGIL: You're saying countywide. Okay, I also think we should go countywide. It probably, as Commissioner Stefanics identified, creates a better opportunity to pool dollars from each one of our legislators for a particular project.

COMMISSIONER MAYFIELD: Madam Chair, but on that point, if we are going to go that route, I believe we have our Director of Corrections here. Could somebody just give me a quick update on the \$8.2 million they're requesting.

MR. OLAFSON: Madam Chair, I can give you a brief overview, if you turn to page 7, or page 6 of the larger list, there's a whole list starting from the third from the top, list of projects for the adult and the youth correction facilities, and those were conglomerated into one project for \$8.2 million. If that \$8.2 million were funded it would fund all those projects or if some portion of that were funded it would fund some portion therein, and the idea of combining them was that it allowed Corrections the greater flexibility to apply to their most critical need if funds were provided.

COMMISSIONER ANAYA: Madam Chair.

CHAIR VIGIL: Yes.

COMMISSIONER ANAYA: Madam Chair, I respect the overall direction. I guess the other thing that you've dealt with over the years as have I and I think everybody that's sitting on this bench is that our priorities have to coincide and work closely with those of our state representatives and senators and what their priorities are in their districts. So by providing the top five, what I would say though is that we don't put ourselves into a corner in saying anything beyond that top five we're not going to be supportive of; we want all the resources to go to the top five first because we know how the legislature works and how legislative priorities change and their needs are not always exactly what our needs are. But I respect whatever the direction of the Commission.

MR. OLAFSON: Madam Chair, Commissioner, that's exactly correct. The requirement is that we list five and that five doesn't preclude any other project from getting funding and typically or historically the top five have not always been funded but other projects have been funded so I think as long as it's in there it's eligible.

CHAIR VIGIL: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, Mr. Olafson, so if we put – and hearing what Commissioner Anaya just said I think I could accomplish a lot if we prioritized our top five, such as knowing we have needs countywide but I would like to see Santa Fe County Public Works at the top of our top five, because I think Public Works helps take care of a lot of these individual requests that all of us have.

CHAIR VIGIL: I don't know that it particularly matters. We could put them as number one but they're just looking for a one through five with no – and Ms. Miller, you may have a better sense of this. Does it matter if we identify project 1, project 2, project 3?

MS. MILLER: Madam Chair, they do ask for them 1, 2, 3, 4, 5 but frankly, the legislators fund what they want. What this does really, the staff at DFA as well as LFC come to their legislators and they provide these are the top things in your county or district that are on an ICIP. So they provide that information. They get requests directly at the session from constituents, all of that, but sometimes they're trying to look at what's in their whole district and look for – within, say they cover two or three counties. They'll go look at that list and see which ones you have because they may have funding. So that's one of the things that they'll do.

So staff uses it to provide information to the legislators. Also staff uses it to propose capital outlay requests to the governor and make sure that it's statewide where they don't have a request. So that's how they will use this. And they want to know from a staff perspective to be able to say, if we appropriate this money, would it actually be able to be spent. So they'll make recommendations.

So you could list them 1 through 5. They'll tend to give a report though to the legislators that lists your top five. And I think what we did last year to make sure that they knew what our individual district ones were where we listed them all as six so that they could see that they were all important on an individual district basis.

CHAIR VIGIL: So with that I'm going to go ahead and just make a motion that we approve the bottom countywide projects with Public Works as number one, and that as item six we identify for the legislature the projects that are important to each particular district, and that that be a part of the report sent to DFA. Is there a second with that?

COMMISSIONER MAYFIELD: Second, Madam Chair.

CHAIR VIGIL: Okay. Any discussion?

MR. OLAFSON: Madam Chair, just for clarification, if Public Works is first, can I just ordinate the rest of them?

CHAIR VIGIL: Yes.

MR. OLAFSON: So Fire/self-contained breathing would be number 2. Corrections would be 3, RECC would be 4, and housing would be 5.

CHAIR VIGIL: Okay. I would just recommend RECC be number 2, in case somebody's looking at priorities, because that's become a huge cost for us. So with that amendment to the motion, will you accept that?

COMMISSIONER MAYFIELD: I will, but if we could get the City to pay some RECC maybe we could use that money somewhere else.

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

CHAIR VIGIL: Paul, do you have any questions?

MR. OLAFSON: For clarification, Public Works is 1, RECC is 2, Corrections is 3, Fire is 4 and housing is 5.

CHAIR VIGIL: Yes, and no indication that one is any need than the other. It's actually just the knowledge that we have where the needs are right now. Needs change.

COMMISSIONER ANAYA: Madam Chair.

CHAIR VIGIL: Yes.

COMMISSIONER ANAYA: Madam Chair, just a follow-up comment. We had the budget process, we got a breakdown of projects that we've done throughout the county, road projects, community projects. I do think and would hope that as we go forward as Commissioners that we look at areas in the county that have received funding and projects and areas that have not received funding and work together to help each other out in areas that haven't. I think we're a collective body up here and to think individually we can take care of our districts, we know we can't do that. So I would like us to at some point have that discussion about those more individual projects and actually look at what we've done historically in other parts of the county, what types of projects, whether it be roads or senior centers or community centers or other infrastructure, and try and have some equity and put things in places that haven't had any. So I appreciate your work, Paul. Thank you, Madam Chair.

CHAIR VIGIL: Paul, just for the purposes of clarification, my motion was very specific to the top five and number six, but also you need a motion on the ICIP plan. So I'll move that we approve that as presented to us.

COMMISSIONER HOLIAN: Second.

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

COMMISSIONER STEFANICS: Madam Chair, did we have a public hearing and nobody wanted to talk?

CHAIR VIGIL: I did ask if anyone from the public – and I'll ask again. Did anybody intend to speak to this? Okay.

COMMISSIONER STEFANICS: Thank you. I'm sorry.

MR. OLAFSON: Madam Chair.

CHAIR VIGIL: I'm sorry, Paul. Do you have something else?

MR. OLAFSON: Yes, the next item is the resolution adopting the ICIP.

- XIII. A. 5. Resolution No. 2011-138, a Resolution Authorizing and Supporting an Infrastructure Capital Improvements Plan for Santa Fe County to Be Submitted to the New Mexico Department of Finance and Administration (Public Works/Projects and Facilities)**

COMMISSIONER HOLIAN: So moved.

COMMISSIONER STEFANICS: Second.

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

XIII. B. Matters From the County Manager

2. Recommendations for Amendment to the RECC JPA [*Exhibit 5: Possible Language*]

MS. MILLER: Madam Chair, at the retreat there was discussion about the different JPAs and agreements with the City and a couple things came out of that discussion. One was that we request – and I brought this up at the last Commission meeting – we request a joint meeting with the City. We sent that letter over to the City last week and we're going to get with the City Manager about discussing dates and times and how we would structure that meeting. So that was one piece and that's in the works.

The other piece that came out of it was that on this agreement in particular there was a request that we actually put some proposals on this JPA in front of the City for consideration, and I said that I would bring back a couple of ideas. I can either put this over to the City and figure if nothing else it will get some early dialogue on this one issue, as well as the other thing was the issue relative to the RPA was going to be discussed at the RPA meeting.

So this is one of the follow-up items from the retreat. What Steve's handed out to you, we discussed a couple of options of presenting to the City, recognizing that there are funding challenges on their side of it, that they wouldn't be able just immediately go back to the way the agreement was previously. The operating costs were split based on call volume into the center. And the capital outlay was split 50-50. Currently capital outlay is still divided between the City of Santa Fe, the County of Santa Fe and Edgewood. Edgewood contributes 20 percent up to \$100,000 and that's what they're capped at. The City and County split the rest. But operations are 100 percent covered by Santa Fe County. Yet the call volume runs about 67 percent or 68 percent from the incorporated area of the City of Santa Fe and the remainder is between Edgewood and Santa Fe County.

So the two options that I put forward that I was looking for some direction on, whether it would be okay if we sent this over as one or the other, or even both as possibilities, one option was that because it was considered that the County passed the communications and fire tax, $\frac{1}{4}$ cent, that that should be shared with the City, that we would set a base amount. So say a million dollars, or 25 percent of the total cost up to a certain amount, whichever was less, would be the base amount. And then we would over a five-year period phase in sharing the cost the same way it was previously.

And then the option was that we would just move to sharing – I think it was option 1, that we would just go to a five-year phase in of going back to the way that it used to be funded at 20 percent per year of operational cost. And that's why it's written the way it is, the 20 percent of the – the reason it's written in percentage is because basically it would be a phase-in of the call volume over a five-year period until we got to exactly the way it was funded before.

And then the last piece would be that then, at that time it goes back to being an independent body. But those would be the major changes that we would propose. There's be some other technical cleanup stuff but I think this would be the real meat of what we wanted to put forward.

COMMISSIONER STEFANICS: So before we go to discussion, the options that you mentioned were to send this to the City for reaction and to see if we concur before you send it, to have the discussion at the RPA, but isn't there a third option of this being the City Council-County Commission discussion when we convene our governing bodies?

MS. MILLER: Madam Chair, what I was saying is we have said we were going to do that and we could just have that at that meeting. But one of the other things that came out of the retreat was that the Commission had requested that we do send an option. But you're right. I could just hold off on this or we could go ahead and send it and know that we're still going to have discussions at the joint City-County meeting.

COMMISSIONER STEFANICS: Thank you, Ms. Miller. Discussion.
Commissioner Anaya.

COMMISSIONER ANAYA: Thank you, Madam Chair. I liked your comment, Madam Chair, relative to having the discussion together. I'm okay with sending an option or a couple options over and other thoughts. I think on the latter part relative to the transition to a full-blown independent body, I don't know that – maybe we could put some verbiage in there where we would – or it could happen sooner or some way to if it makes more sense before 2016 that we would have that capability of doing it. But I agree with Commissioner Stefanics that I think some public discourse on the matter would be good but sending this over as a precursor I think would be a good thing.

COMMISSIONER STEFANICS: Thank you, Commissioner. Other comments? Commissioner Vigil, we're discussing whether to send this over to the City for their review and comment, whether or not the RPA should go ahead and discuss it first, or whether we wait and discuss it at the joint governing body meeting, or we send this to the City so they have it in advance of our joint governing body meeting. So we were just discussing that a little bit. Commissioner Holian.

COMMISSIONER HOLIAN: Regarding the RPA, the next meeting of the RPA is next Tuesday on the 20th and this is not an agenda item. So the next meeting of the RPA is not until November. So that would probably not be very practical to wait for the RPA to discuss it. Or it might not be. It would put off the discussion for quite a while. In any event I would like to add that I do think it's a good idea to send it over to the City so that we at least have a basis for discussion.

CHAIR VIGIL: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, Ms. Miller, have you heard back from the City, and maybe you said and I didn't hear it, when they are wanting to meet with us jointly?

MS. MILLER: Madam Chair, Commissioner Mayfield, I need to get – I heard back from the City Manager that he wanted to have a discussion about dates, so I'm going to try to touch base with him tomorrow about that. I just heard back from him yesterday about that I just didn't have a chance today but I'm going to get a hold of him and see if we can find a date.

COMMISSIONER MAYFIELD: Thank you.

CHAIR VIGIL: Any others? Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, Ms. Miller, are we going to have another potential topic be the solid waste discussion and other annexation issues? Maybe could you go into a couple of the other items?

MS. MILLER: Madam Chair, Commissioner Anaya, all the things that you had requested we put in the letter and anything else that they wanted, so BDD, RECC, RPA. I can't remember. Annexation. All of those. We did state in the letter that the Commission is requesting a joint meeting to discuss those things and anything else they would like.

COMMISSIONER ANAYA: Thank you, Madam Chair.

CHAIR VIGIL: Katherine, in terms of the communications you've had with the City, do you have a preference as to how we should proceed with this?

MS. MILLER: Madam Chair, my guess is that the general staff consensus is that this is a political issue between governing boards and that they probably won't respond from a perspective without it being that joint discussion, but I think that also just stating we would like to open this dialogue and here are some things we're willing to do would help. So I think it doesn't hurt to send it. The worst thing they would do is nothing until there's a joint meeting.

CHAIR VIGIL: Okay. Is there, Vice Chair Stefanics, is there a consensus to send this?

COMMISSIONER STEFANICS: We hadn't gotten that far, Madam Chair, but I recommend sending it as Commissioner Anaya said and then still having this as a point of discussion for that joint governing body meeting.

CHAIR VIGIL: I think I'm seeing nods here on doing that and I totally agree. Does a smile mean you're –

COMMISSIONER MAYFIELD: I was just hoping we could have that meeting as soon as possible.

MS. MILLER: And Madam Chair, one of the things I wanted to make sure that when we did send something you as a Board were okay with a phase-in, like a five-year phase-in recognizing the limitations of revenue from the City's perspective. That was also kind of the general gist of this. So in that then I'll just go ahead and Steve and I will put something together, a couple drafts and send a memo over for discussion purposes. And we'll be getting back with you as soon as possible, as soon as I have some dates when I sit down with the City Manager about how we can move forward with it with a joint meeting.

The next item that I had –

CHAIR VIGIL: Let me just, Katherine, because there's a clump of people waiting – is that what you call – it's a group of people waiting for public hearings. We are still on Matters from the County Manager on your agendas, those of you who have them. We have a couple of items here. We also have Matters from the County Clerk. Then we're going into executive session. So I would suggest that we definitely would not be back here until about 7:30 if you want to take some time out to have dinner and come back and let the folks outside now that our agenda is still being worked at and I thought I'd let you know that so you don't hang around and wait. 7:30 might be a good time for you to come back. We won't get started until that time for sure.

MS. MILLER: Madam Chair, we could get through executive session quicker if you want to try to move it up a little to 7:00.

CHAIR VIGIL: I'm sorry.

MS. MILLER: I said I believe – I was just talking with Steve. He thinks we could get through executive session a little quicker so if you wanted to target 7:00 for the public hearings.

CHAIR VIGIL: Okay. We'll try to shoot for that. So 7:00. If you think we can do that, Steve.

COMMISSIONER STEFANICS: Madam Chair, we still have three business items.

CHAIR VIGIL: I know. 7:00 it is.

XIII. B. 3. Update on 2011 Property Tax Rate Table [Exhibit 6: Information Packet]

MS. MILLER: Madam Chair, we had at the last meeting there was the certification on the property tax rates for tax year 2011 and the Commission had passed the order. We have not sent that over because one of the things that came up. We did get the tax table finally from DFA, they had sent it out, but because of the holiday we didn't get it until last Tuesday. We went through it with the Assessor and I wanted to make sure you did get a copy of it before we sent the order over to DFA and the cover letter, because there were some changes. What I just passed out were the certificate of the property tax rate in mils for Santa Fe County as given to us by DFA for the tax year 2011. So that table is there. What we did is put for you behind that some comparisons of what happens to each entity's rates.

I want to point out that the rates went up slightly because values went down. Also, when values go down DFA has a formula that they run everything through or when they go up, however it is. It's a yield control formula and it also has an inflationary factor. That is set by statute. We have no say in that yield control formula and rate. We just provide the property values and what our imposed mils are and our general obligation debt service rates. And then they go through and actually calculate based on that the overall rate. The Assessor's Office actually put on the back there a comparison of what will happen, depending on whether you're residential, whether you're non-residential, in the city, out of the city, in the different areas and what the rates are and gives a percentage change and gives you what it would be on a property that's valued at \$100,000 assessed value and then taxable value at \$33,333 or a third of that times its applicable tax rate, and then what tax is due on that property.

So for instance, inside the city limits a residential property would have one of the largest changes, ended up \$9.47. If you were outside of the city in the county it's \$5.93, and if you just go down that second to last column. Those are the changes that would happen to an individual property owner's tax bill that would go out this fall. I'd stand for any questions on that.

CHAIR VIGIL: Commissioner Stefanics.

COMMISSIONER STEFANICS: So this was what I was concerned about, Madam Chair, is that we were going to increase something from the state that increases

something, and after talking with our County Manager and talking to others I realize there's – I guess it's called a yield control issue of maintaining the funds coming into the County. I do think that we need to be very clear to our citizens that there will be an increase but it's not of our making, and that the increase will be specific to certain types of properties. Is that correct, Ms. Miller?

MS. MILLER: Madam Chair, yes. If you look at that last sheet it shows you that certain ones will go up, certain ones will go down and depending on where you live and how that – what taxing districts are overlaid.

COMMISSIONER STEFANICS: So, Madam Chair, for those of our county residents who read the Albuquerque *Journal* they've already read about the controversy in Bernalillo County and how some Commissioners are not going to support it. But if we do not support it I don't know what legal recourse we really have since we need the money and we need the state to go ahead with it. So I understand you held our resolution. You're just looking for direction to send it off?

MS. MILLER: Madam Chair, Commissioner Stefanics, we did not send the order because as soon as I saw that this did go up I had committed to you that if there was a change I thought you would be concerned about I would bring it back to you. So it's approved, but if there's an issue, legally, any entity in our taxing area that we send out the property tax bill has the right for that revenue. So unless there's something technically incorrect in this we don't actually as a body have the legal authority not to approve it or not to send those out. Steve might have a better way of saying that than I do.

COMMISSIONER STEFANICS: So, Madam Chair, this is really an update and not an action item.

MS. MILLER: Correct.

COMMISSIONER STEFANICS: Thank you, Madam Chair.

CHAIR VIGIL: Okay. Any other questions? Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, Ms. Miller, did we already take action on this?

CHAIR VIGIL: Yes.

COMMISSIONER MAYFIELD: I thought the action we took was to come back to us if the change – we'd have to re-approve it.

MS. MILLER: Madam Chair, you took action but with a caveat at the end. You took action and I said that when these came in if they looked significantly different I would make sure that it came back to you. I don't know that they're significantly different but they are increased. So I didn't put it on as an action item from the perspective of I don't know that there's a lot different that you could do but if you guys absolutely told me don't send it I wouldn't send it.

COMMISSIONER MAYFIELD: Madam Chair, Ms. Miller, and I know there may not be a lot we can do, but arguably, we could still look at our current operational costs, right? Roll some of those back. We still may be looking at some of the bond money that was let out. Maybe if we have not obligated any projects yet roll some of that back.

MS. MILLER: Madam Chair, Commissioner Mayfield, you would have to defease bonds and pay them off to change your debt service. I would contend you would not be able to do that before our tax bills would need to go out. Our actually general

obligation – our debt service rate went down. The only thing you could look at, and our budget is based on this, so this is another issue, is whether – and I don't think you could do it in time to withhold the tax bills, but it's the operational as to whether you rolled back anything in the operating mil. The problem is the budget is done in May and June and July and it's based upon the property tax revenue, estimated, based upon the mills you have in place. So I think it would be – it's a little bit backwards, unfortunately, but that's the way the state law is. It's kind of a little bit of a conundrum for counties I think and that's where some of the other counties are struggling.

COMMISSIONER MAYFIELD: Thank you.

CHAIR VIGIL: Okay, any other questions? Thank you for that update, Katherine.

COMMISSIONER STEFANICS: Could I ask one thing, Madam Chair?

CHAIR VIGIL: Yes.

COMMISSIONER STEFANICS: Could we make sure that when this is posted on the web that there is some kind of clear and simple explanation for our residents? I know that everybody doesn't listen to this meeting but we are going to need some explanation to people about why this is happening.

MS. MILLER: Madam Chair, Commissioner Stefanics, we'll work to come up with something that would be understandable, because property taxes are complex, but we'll definitely work to give a good explanation.

COMMISSIONER STEFANICS: Thank you so much.

XIII. B. 4. Update on the Sole Community Provider

MS. MILLER: Madam Chair, there is – the state, I guess the federal government has withheld all sole community provider funds for the last two quarters, essentially, to any sole community provider hospitals in the state of New Mexico pending some type of agreement for a review that they did of the 2009 sole community provider payments. One of the things that the counties have been trying to work together with the state what they could potentially do to help make the federal government CMF more comfortable with working in the state so that they would release the last two quarters of payments before the end of the federal fiscal year.

One of the suggestions, and I don't know whether it will come to pass or not, but one of the suggestions by the groups working on this and some of the attorneys working with CMF is that we do an intercept agreement with the County funding to the state for the sole community provider match. One of those things is would we authorize an intercept of our payment from our second 1/8, which is our Indigent Fund. I didn't commit anything out of the County, because that would have to go to my Commission but I wanted to get some feedback from you and update you on this. I think as long as the County – first of all, our sole community provider match this fiscal year is 100 percent out of the second 1/8. Additionally, you've already set that amount based on budget.

So if it would not interfere with our operations in any way if the Commission or the Indigent Board wanted to pass a resolution that would allow the state to intercept just this fiscal year's allocation made by the Commission. And I wanted to get your feedback as to whether you would have an issue with that or heartburn with that if that was one of

the only ways to provide comfort to the federal government that these were taxpayer dollars going to the sole community provider match.

CHAIR VIGIL: Feedback? Commissioner Stefanics.

COMMISSIONER STEFANICS: Madam Chair, I've been participating in the New Mexico Association of Counties Task Force on this topic and the Centers for Medicaid and Medicare, or vice versa, have stopped payment to the hospitals throughout the state – have stopped payments to the state. As of June 30th they didn't send the quarterly amount and there's one due September 30th. So as the Manager indicated, this is all about a solution. And I actually think they're going to push us for an answer before our next meeting, but to allow something to happen for one year of which we've already decided I don't think would hurt us.

The Manager and I have discussed this and we don't want to have a precedent set where the state thinks they can divert our money any time they want to, but as a one-year fix – otherwise, we've been told by the negotiator that the money that's being held up by CMF will continue to be held up by CMF to all the hospitals in this state that get sole community provider funds.

CHAIR VIGIL: That's a big piece of information. Did you have something to say, Commissioner Holian?

COMMISSIONER HOLIAN: Thank you, Madam Chair. I just had a question. What do you mean by intercept? Are we going to be making the payment instead of the federal government for the match?

MS. MILLER: No. Madam Chair, Commissioner Holian, the way it works right now, you budget our match, let's just say it's one fourth of the total amount. So we budget our \$2 million and it draws down \$6 million in federal dollars. What we do is actually once you budget it every quarter we write a check from that scenario, say \$500,000 to the state, then the state draws down that match with those funds. Now, we use gross receipts tax and the intercept would be – and when the gross receipts tax gets distributed to us from the state, but what this would do is as that gross receipts comes into the state they would intercept it, give that \$500,000 each quarter to HSD, so it would never actually hit us to then turn around and pay them.

It doesn't really – there was the issue, deal with the issue that was their concern but it was another piece to try to give them comfort it was 100 percent taxpayer dollars.

COMMISSIONER HOLIAN: Okay. I see. So it wouldn't really make any difference for our bottom line.

MS. MILLER: Madam Chair, Commissioner Holian, no. It would only be – what they're proposing is the only amount that you as a Commission budget this year.

COMMISSIONER HOLIAN: Okay. Thank you.

CHAIR VIGIL: I'm going to have to defer to Commissioner Stefanics and her recommendation on this because she's really put her hands in there to work on this and probably knows more about health funding than anyone on this Commission. I would just say my only concern would be with regard to the fact that once we donate or divert these dollars for one year it's always difficult to get them back. And if there is a sense of confidence that the sunshine or whatever clause is in existence, whatever needs to be there, to make sure that they do come back, that would only be my concern and I'm happy to listen to any response you have with that, Ms. Miller.

MS. MILLER: Madam Chair, what we would do, and this is very similar to what we do on, say, debt service payments to the New Mexico Finance Authority if we were to do anything through there. You give an agreement with an agreement that you will allow them to intercept for whatever length of time that that debt service payment is or whatever. So what we would do is only say that – pass a resolution that says we would allow the intercept for one year up to this amount of money, which would be what you budgeted. So as soon as that was met it would end.

CHAIR VIGIL: Okay. I'm not sure –

COMMISSIONER STEFANICS: I have a legal question.

CHAIR VIGIL: Proceed.

COMMISSIONER STEFANICS: If the state approached you, Ms. Miller, and said – our next meeting is what? The 27th of September?

MS. MILLER: Yes.

COMMISSIONER STEFANICS: And they're trying to finish these negotiations so they can get that September 30th. If we told you our intent – not make a decision but told you our intent, so you could tell them our intent, and then we take the formal action on the 27th, would that be legal, Steve?

MR. ROSS: Madam Chair, Commissioner Stefanics, as long as we let them know that we can't make a final decision until the 27th but all indications are that we would agree to something like this, I think that's fine.

COMMISSIONER STEFANICS: Okay. Thank you, Madam Chair.

CHAIR VIGIL: Okay. Any other comments? Seeing none, I'm not hearing any particular objections to the way you're proceeding. I think the only thing is we'd like to address this for final action on the meeting of the 27th. Is that your understanding?

XIII. C. Matters From the County Clerk

1. Request Authorization to Publish Title and General Summary of Ordinance No. 2011 - ____, an Ordinance Amending Ordinance No. 2009-6, Which Establishes Fees for Copies of Certain Electronic Data, to Comport with NMSA 1978, Section 14-8-14 (2011) and Repealing Certain Provisions of Ordinance No. 2009-6.

GERALDINE SALAZAR (Clerk's Office): Thank you, Madam Chair, Commissioners. On October 11, 2011, at the regular BCC meeting the Clerk's Office is planning to propose an ordinance amending Ordinance No. 2009-6 to comply with the 2011 amendment of the New Mexico Statute titled Searching Records, Reproduction of Records, Fees. The statute as amended states that the County Clerk shall establish reasonable fees for conducting searches and for reproducing or copying records maintained at the Office of the County Clerk.

Previously, the County Clerk's fees were incorporated into Ordinance 2009-6 which now conflicts with the statutory authority of the County Clerk to establish reasonable fees. In order to eliminate this conflict and the potential for confusion between Ordinance No. 2009-6 and the Clerk's fee schedule, and to comply with NMSA 1978,

Section 14-8-14 of 2011, the Clerk is requesting authorization to publish title and general summary of an ordinance amending Ordinance No.2009-6, which establishes fees for copies of certain electronic data to comport with NMSA 1978, Section 14-8-14, and repealing certain provisions of Ordinance No. 2009-6.

CHAIR VIGIL: Okay. Do we need one or two hearings? Just one hearing, once the title and general summary is approved?

MR. ROSS: Madam Chair, only one hearing is required.

CHAIR VIGIL: Okay. So are there any questions? Commissioner Mayfield.

COMMISSIONER MAYFIELD: Thank you, Madam Chair, Ms. Salazar. Is there an opportunity for, say, public or media or anybody to just give us a jump drive and say, can you guys just put this information on a jump drive and let us take it?

MS. SALAZAR: Is there – where they would give us a drive to –

COMMISSIONER MAYFIELD: Download the media. Just electronic transfer where there's really now fees exchanged?

MS. SALAZAR: We don't use jump drives. We put our data on disc.

COMMISSIONER MAYFIELD: I know, but would there be an opportunity for someone to present you, even J.Q. Public, here's my jump drive. Could you just download that to my jump drive for me?

MS. SALAZAR: I think that would be – we haven't done that. That hasn't been our policy to do that.

VALERIE ESPINOZA (County Clerk): We charge for the information. Why would we want to put it on jump drive?

COMMISSIONER MAYFIELD: Madam Chair, it's the public record, just let people access it for free without charging them.

MS. ESPINOZA: The whole purpose of trying to revise this ordinance is because in the past we used to charge \$200 for a CD. Now we're charging \$5.33, so it's hurting the revenues that we're trying to generate. So it also conflicts with the new statute. But it is a possibility.

CHAIR VIGIL: Commissioner Mayfield, are you done?

COMMISSIONER MAYFIELD: Well, I'll defer to Commissioner Stefanics.

CHAIR VIGIL: Go ahead.

COMMISSIONER STEFANICS: Well, I can wait. I just want to talk about the Association of Counties discussion of this.

COMMISSIONER MAYFIELD: Madam Chair, my last question, and thank you, Ms. Salazar. What about just sending it to somebody electronically. If they ask, do you have this record? We have it electronically, yes. I'm just going to ship it to you in a .pdf file. Here it is. We do this and can we just charge for that?

MS. ESPINOZA: That's what we started doing with the e-filing process.

COMMISSIONER MAYFIELD: And what's the charge for that?

MS. ESPINOZA: It varies. We have fees.

COMMISSIONER MAYFIELD: Okay. Thank you, Madam Chair.

CHAIR VIGIL: Okay. Commissioner Stefanics.

COMMISSIONER STEFANICS: Madam Chair, and I'm sure our County Clerk's aware of all this, but at the last Association of Counties Board meeting we had a presentation and training by NMFOG, the Foundation for Open Government. And they provided their interpretation of the new state statute, which many counties did not agree with. So the counties then have asked the Attorney General for his interpretation of it because their interpretation was you can't charge anything more than the staff's time that it took to do this, and that there are many – well, then the Association of Counties went on to talk about how there are some current law suits concerning out of state companies who are asking for massive downloads of property owners and property taxes within every state and every community. And under the Public Information Act there is an issue of whether they have every right to it and there's an issue of how much they can be charged for thousands and thousands of names and addresses and amounts of money.

So I'm not suggesting that this is an easy topic. I know that we need to amend our ordinance, but I just want to make sure that the County Clerk's Office is working with Legal and they come forward with the final.

CHAIR VIGIL: Okay. Do you know when the Attorney General's opinion will be issued?

COMMISSIONER STEFANICS: I don't know. Steve, have you been working with the Association of Counties on this?

MR. ROSS: Madam Chair, Commissioner Stefanics, no. Someone in my staff is working on it and I'll try and find out what the latest is.

COMMISSIONER STEFANICS: Okay. Because I did provide the Foundation for Open Government's materials to everybody and theirs was rather simplistic. And like I said, many of the counties did not agree with the fact that it should maybe just be just staff members' time and salary. And that's it.

CHAIR VIGIL: Okay. Any other questions? Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I think this ordinance puts us in a position to get straight with what we need to get straight with associated with the statutes and in accordance with and in coordination with the Legal Department. So I would support it.

CHAIR VIGIL: Is that a motion?

COMMISSIONER ANAYA: So moved, Madam Chair.

COMMISSIONER STEFANICS: Second.

CHAIR VIGIL: Any further discussion?

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

XIII. D. Matters From the County Attorney

1. Executive Session

- a. Discussion of Pending or Threatened Litigation**
- b. Limited Personnel Issues**
- c. Discussion of the Purchase, Acquisition or Disposal of Real Property or Water Rights**

CHAIR VIGIL: We're now under Matters from the County Attorney and I'll be told we'll be done by 7:00. Mr. Ross.

MR. ROSS: Madam Chair, we'll go really fast. We do have to discuss pending or threatened litigation. There's a possibility that we'll discuss acquisition or disposal of real property, and limited personnel issues.

CHAIR VIGIL: Okay, can we have a motion in that order?

COMMISSIONER HOLIAN: Madam Chair.

CHAIR VIGIL: Yes.

COMMISSIONER HOLIAN: I move that we go into executive session where we will discuss pending or threatened litigation, purchase, acquisition or disposal of real property, and limited personnel issues.

COMMISSIONER STEFANICS: I'll second.

The motion passed by [4-0] roll call vote with Commissioners Anaya, Holian, Stefanics and Vigil voting in favor and Commissioner Mayfield abstaining.

[The Commission met in closed session from 6:10 to 7:10.]

CHAIR VIGIL: Okay, I think we are ready to come out of executive session. Is there a motion in that order?

COMMISSIONER STEFANICS: Madam Chair, I move we come out of executive session having discussed pending or threatened litigation, discussion of the purchase, acquisition or real property, limited personnel issues, and in attendance were the County Manager, the Deputy County Manager, the County Attorney, the Deputy County Attorney and the five Commissioners.

CHAIR VIGIL: Okay. I'll second that motion.

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

XIV. PUBLIC HEARINGS

A. Growth Management Department

- 1. BCC Case # MIS 11-5160 the Capitol Grounds Café Restaurant Liquor License. Capitol Grounds Café, LLC, dba, Capitol Grounds Café, Applicant Requests Approval of a Restaurant Liquor License to Serve Beer and Wine with Meals. The Subject Property is Located at 55 C Canada Del Rancho, within Section 20, Township 16 North, Range 9 East (Commission District 5) Jose E. Larrañaga, Case Manager**

JOSE LARRAÑAGA (Building & Development Services): Thank you, Madam Chair. In 1989 the Board of County Commissioners approved the Rancho Viejo Master Plan for a large-scale mixed-use development on 2,127 acres. The master plan approval included commercial zoning of Tract B-1A within the Village Center at Rancho Viejo. The master plan approval allowed for liquor sales on the site pending approval from the State Alcohol and Gaming Division.

The applicant requests approval of a restaurant liquor license. The Capitol Ground Café will not have a bar, however, they intend to serve beer and wine with meals. The issuance of a restaurant liquor license will not increase the intensity of the existing business and there is not any proposed expansion of the existing site.

The State Alcohol and Gaming Division granted preliminary approval of this request in accordance with Section 60-6B-4 NMSA of the Liquor Control Act. Legal notice of this request has been published in the newspaper. The Board of County Commissioners are required to conduct a public hearing on the request to grant a liquor license at this location.

Recommendation: Staff has reviewed this application and has found the facts presented support this application. The Board of County Commissioners granted approval of a master plan for the Village Center at Rancho Viejo which allowed for commercial zoning for Tract B-1A. The master plan approval allowed for liquor sales on this site pending approval from the State Alcohol and Gaming Division. The applicant's request complies with the Santa Fe County Land Development Code. The applicant has met the State of New Mexico requirements for noticing, distance from schools and churches. Therefore staff recommends approval of the applicant's request. Madam Chair, I stand for any questions.

CHAIR VIGIL: Any questions? This is a public hearing. Is the applicant here? Is anyone here to testify on this item? Thank you for being here. Okay. What's the pleasure of the Commission?

COMMISSIONER STEFANICS: Madam Chair.

CHAIR VIGIL: Yes.

COMMISSIONER STEFANICS: I'll move approval of BCC Case MIS 11-5260.

COMMISSIONER ANAYA: Second.

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

- XIV. A. 2. BCC Case # MIS 11-5250 SOL of Santa Fe Liquor License. Cordelia O. Roybal Enterprises, LLC, dba SOL of Santa Fe, Applicant Request Approval of an Inter-Local Dispenser Liquor License No. 2792. The Subject Property is Located at 37 Fire Place, Via Highway 14, within Section 25, Township 16 North, Range 8 East (Commission District 5) Jose E. Larrañaga, Case Manager**

MR. LARRAÑAGA: Thank you, Madam Chair. Historically, a full-service restaurant serving alcohol has occupied this property within the existing development prior to the implementation of the Land Development Code. This structure is acknowledged by Santa Fe County as a non-conforming commercial building and is in compliance with Article II, Section 4 of the Land Development Code.

On December 14, 2010 a master plan amendment was granted by the Board of County Commissioners to allow outdoor entertainment for the restaurant and the Santa Fe Brewing Company. The approved master plan acknowledged the structure as a full-service restaurant and bar.

The applicant requests approval of an inter-local dispenser liquor license to be transferred to this location. The issuance of this type of liquor license will allow the sale of liquor by the glass.

The State Alcohol and Gaming Division granted preliminary approval of this request in accordance with Section 60-6B-4 NMSA of the Liquor Control Act. Legal notice of this request has been published in the newspaper. The Board of County Commissioners are required to conduct a public hearing on the request to grant a liquor license at this location.

Recommendation: Staff has reviewed this application and has found the facts presented support this application. The property is in compliance with Article II, Section 4 of the Land Development Code and acknowledged as a legal non-conforming commercial property for restaurant and/or food service use. The Board of County Commissioners granted approval of a master plan amendment which acknowledged the structure as a full-service restaurant and bar. The applicant's request complies with the Santa Fe County Land Development Code. The applicant has met the State of New Mexico requirements for noticing, distance from schools and churches. Therefore staff recommends approval of the applicant's request. Madam Chair, I stand for any questions.

CHAIR VIGIL: Questions?

COMMISSIONER ANAYA: Madam Chair.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, Mr. Larranaga, how is this request different from what they're already doing. I'm a bit confused. They're already selling it right now, so what's the difference?

MR. LARRAÑAGA: Madam Chair, Commissioner Anaya, what they had in the past – the restaurant had closed. Now it's reopened with a current business license. What they had in the past was they would use the – the Brewing Company, they just served beer. They couldn't serve any other kind of liquor. So they'd use the Brewing Company's license acknowledged by Alcohol and Gaming to serve beer at the restaurant.

COMMISSIONER ANAYA: So this lets them sell any liquor, wine, or anything else?

MR. LARRAÑAGA: That's correct.

CHAIR VIGIL: Any other questions? Commissioner Stefanics.

COMMISSIONER STEFANICS: Okay, so now I'm confused. There is the restaurant, bar, entertainment area, then there was a separate building that did the brewing.

MR. LARRAÑAGA: Madam Chair, Commissioner Stefanics, that is correct the Santa Fe Brewing brews the beer. They also sell beer and they have a beer tasting facility in the building, and the restaurant was separate. Before Santa Fe Brewing building got built it used to be a restaurant bar as a non-conforming use.

COMMISSIONER STEFANICS: But even as the Brewing Company restaurant they had a full bar and sold liquor.

MR. LARRAÑAGA: They sold beer from the Brewing Company.

COMMISSIONER STEFANICS: When I was there they sold other kinds of liquor.

MR. LARRAÑAGA: I wasn't aware of that.

COMMISSIONER STEFANICS: That's what's confusing me here is because I wasn't clear on what we're asking for now.

MR. LARRAÑAGA: Now they're asking for a transfer of the inter dispenser license to this location, which will separate the licenses of the Brewing Company, and SOL of Santa Fe which is a restaurant.

COMMISSIONER STEFANICS: So it will allow liquor in one place and not the other? They're separating liquor from beer and wine.

MR. LARRAÑAGA: That's correct.

COMMISSIONER STEFANICS: Okay. Sorry. Was my interpretation correct?

MR. LARRAÑAGA: Yes.

COMMISSIONER STEFANICS: Thank you.

CHAIR VIGIL: Any other questions? This is a public hearing. Is the applicant here? Okay. Is there anyone in the public that would like to address the Commission on this item? Commissioner Anaya.

COMMISSIONER ANAYA: Move for approval, Madam Chair.

COMMISSIONER HOLIAN: Second.

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

XIV. A. 3. CDRC Case # V 11-5180 John Robertson Variance. John Robertson, Applicant, Requests a Variance of Article III, Section 10 (Lot Size Requirements) of the Land Development Code to Allow a Second Dwelling Unit on 10.17 Acres. The Property is Located Off Highway 14 at 35 North Fork, within Section 25, Township 15 North, Range 8 East, (Commission District 5). Wayne Dalton, Case Manager

WAYNE DALTON (Building and Development Services): Thank you, Madam Chair. On August 18, 2011, the CDRC met and acted on this case. The decision of the CDRC was to recommend approval of the applicant's request for a variance by unanimous 4-0 vote.

The property is located within the Basin Fringe Hydrologic Zone. Article III, Section 10 requires the minimum lot size in this area to be 50 acres per dwelling unit. Lot size may be further reduced to 12.5 acres if the applicant proposes to utilize water conservation measures. There is currently a residence, a barn, an outdoor riding arena, and conventional septic system on the property. The property is served by an on-site well which serves the existing residence on the property.

The applicant states he wishes to place a second home on the property for his ex-wife in order for her to assist him with his health and physical conditions. The applicant is deaf and has very poor balance causing him to fall and is also asthmatic and has chronic obstructive pulmonary disease, also known as COPD, which causes frequent bronchitis infections and occasional asthma attacks requiring emergency care. The applicant further states the variance is needed in order for his daughter to be closer to her mother on a daily basis and due to his ex-wife being unemployed and no longer able to afford rent for a space within a mobile home park she currently resides in.

Recommendation: Staff has reviewed this application and has found the following facts to deny this submittal: Article III, Section 10 of the Land Development Code states the minimum lot size in this area is 50 acres per dwelling unit; the applicant's lot size is only 10.17 acres; the hardship described by the applicant is not the type of variance hardship required by the Code; the applicant has not justified a hardship which is contemplated by the Code; strict compliance with the requirements of the code would not result in extraordinary hardship to the applicant; to allow further reduction of the Code density requirements would nullify the purpose of the Code therefore staff recommends denial of the applicant's request.

If the decision of the CDRC is to recommend approval, staff recommends the following conditions be imposed. Madam Chair, may I enter those into the record?

[The conditions are as follows:]

1. A temporary permit will be issued for a period of five years to be approved for consecutive five-year periods by CDRC. The applicant at that time must prove the hardship still exists.
2. 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.

3. A shared well agreement shall be signed and recorded in the Office of the County Clerk.
4. The applicant must obtain a development permit from the Building and Development Services Department for the second dwelling.
5. Compliance with minimum standards for Terrain Management as per the Land Development Code and compliance with Ordinance 2003-6 Water Harvesting.
6. The placement of additional dwelling units on the property is prohibited.
7. The existing driveway will serve the proposed residence.

CHAIR VIGIL: Are there any questions of staff? Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you very much. So the CDRC was aware of staff's position on this case?

MR. DALTON: Madam Chair, Commissioner Stefanics, yes, they were.

COMMISSIONER STEFANICS: And yet they moved 4-0 for approval.

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

COMMISSIONER STEFANICS: Can you recap their reasoning?

MR. DALTON: Madam Chair, I really can't recap their reasoning. I did read the staff report and they did ask questions. They asked what the minimum lot size in the area was, how big the lots were in the area. Is there multiple structures on the properties surrounding this property, and they did move for approval with the condition of temporary placement for a five-year period to be approved for consecutive five-year periods by the CDRC. And at that time the applicant would have to prove that the hardship still exists in order to get five-year extensions.

CHAIR VIGIL: Anything further, Commissioner Stefanics?

COMMISSIONER STEFANICS: Well, I'm wondering about the 50-acre lot minimum, and I'm hoping it's going to be different in our next code. That's all.

CHAIR VIGIL: Any other questions? Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I actually listened in on this case at CDRC and Mr. Roberts was actually asked several questions through the interpreter. I'd like to hear more comments from the Commissioners if they have them but personally, I'm comfortable with the CDRC's recommendation.

CHAIR VIGIL: Okay. Any other comments, questions? This is a public hearing. Is there anybody here to testify for or against this request? Seeing none –

COMMISSIONER STEFANICS: Madam Chair, is the applicant here? I would like to hear from the applicant.

CHAIR VIGIL: Would you please stand.

COMMISSIONER STEFANICS: I'd like to know if he has any kind of statement, through his interpreter or course. Does the applicant have something to say to support his request since the staff are recommending to deny it?

CHAIR VIGIL: Wayne, would you hand her the microphone so you can get that on the record?

JOHN ROBERTS [speaking through a sign language interpreter]: I hope that you support my application process to put a double-wide on the property and I would like to say that I would like to identify on the paper on the list, for example, the water rights. I will follow the – he's saying that he would like to follow the stipulations that were set forth.

COMMISSIONER STEFANICS: The conditions?

MR. ROBERTS: Yes, he would definitely like to accept the conditions. I was born and raised here in Santa Fe and I really respect the environment. And I don't plan to plant trees and grass and I would like to leave the natural environment around my home.

COMMISSIONER STEFANICS: Okay. Thank you very much, Madam Chair,

CHAIR VIGIL: Okay. Any other questions, comments? Anyone on the Commission want to move forward with a motion?

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR VIGIL: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Did we read in the conditions?

CHAIR VIGIL: We read in the conditions into the record and I do believe the applicant said he was willing to comply with them.

COMMISSIONER MAYFIELD: Thank you.

COMMISSIONER STEFANICS: So, Madam Chair, are we ready for a motion?

CHAIR VIGIL: That's what I just asked.

COMMISSIONER STEFANICS: Sorry. It's getting late. I would move approval on CDRC Case V 11-5180, with all of the staff's conditions.

COMMISSIONER ANAYA: Second.

CHAIR VIGIL: Did you want to include the five-year waiting period that CDRC recommended, after five years to review whether or not the variance is still needed.

MR. DALTON: Madam Chair, that is condition number one.

CHAIR VIGIL: Well, Steve –

COMMISSIONER STEFANICS: State law says five years. I don't know that we can make it longer than five years.

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR VIGIL: Yes.

COMMISSIONER MAYFIELD: On that point, let's say we do go through our code rewrite, and the area changes would there have to be this mandate to deal with?

MR. ROSS: Madam Chair, Commissioner Stefanics and Commissioner Mayfield, there's really not a mechanism for a five-year waiting period. The statute says you have to have held the property for five years which this apparently complies with. When you add a five-year holding period on like this you create a restraint on their alienation. We don't actually have a temporary permit authorized by our code so you'd probably want to get the applicant to agree to a condition like this where they're holding property that they wouldn't otherwise have to hold.

COMMISSIONER STEFANICS: Well, Madam Chair, on the first condition, what I am recommending which is different language than what's here is that the applicant would hold and use the property for five years with no changes. Because that is what we've done with other applicants that have come before us.

CHAIR VIGIL: Would the applicant be in agreement with that?

MS. COBAU: Madam Chair, Commissioner Stefanics –

MR. ROBERTS: I just wanted to clarify something here. So does that mean – so you're saying that I have to wait until five years later to put the house on the property? But then in five years, is it possible to put a house on the property in five years?

CHAIR VIGIL: Commissioner Stefanics, would you clarify your motion?

COMMISSIONER STEFANICS: Madam Chair, my intent is that they could put the temporary home, or that they could put the home on the property as long as it is held that way for at least five years. That's my intent.

CHAIR VIGIL: In the motion.

COMMISSIONER STEFANICS: In the motion. So there might be some different intent up here. I'm not sure.

CHAIR VIGIL: Does the seconder agree with that intent?

COMMISSIONER ANAYA: Madam Chair, I do agree with that intent, and I also would say I don't want these people to have to come back in five years. This is his ex-wife that is going to be caring for him and I don't want them to have to come back and say we want to get another five years. So a five-year term of them not doing anything else, yes, I'm in agreement with that. So I would approve that as the seconder of the motion. But I think the difference, Mr. Dalton, is we don't want them coming back in our motion, like stipulated by the CDRC. Thank you, Madam Chair.

CHAIR VIGIL: Okay. Steve, do you have the agreement that you were recommending on record? We were recommending that the applicant be in agreement with this five-year period.

MR. ROSS: Yes.

CHAIR VIGIL: So we have a motion and a second. Are there any further discussions on this?

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

- XIV. A. 5. CDRC Case # Z/S 02-4325 La Pradera Master Plan Amendment, Plat and Development Plan. Gardner Associates, LLC and La Pradera Associates LLC (Alexis Girard) Request a Master Plan Amendment to Allow for the Creation of 27 New Residential Lots within the Previously Approved La Pradera Subdivision and to Allow for the Previously Approved 32,667 Sq. Ft. of Commercial/Residential Area, Parking Lot and 11 Condominiums to Be Replaced with 17 Single-Family Residential, Live/Work Lots. The Application Includes Modification of the Original Approval That Proposed the Use of Reclaimed Water for Irrigation and Toilet Water Flushing on All Private Lots. The Use of Potable Water is Now Proposed. Reclaimed Water Will Be Used to Irrigate Common Areas Only. The Request Also Includes Preliminary and Final Plat and Development Plan Approval for 27 New Lots and Several Lot Line Adjustments in Phases 2-6 and Four Master Plat Lots Which Could Be Developed Into a Total of 17 Single-Family, Live/Work Lots (11 Condos and 16,334 Square Feet of Residential Space as Previously Approved to Be Converted to Single Family Lots) in Phase I. The Property is Located within the Community College District, West of Richards Avenue Between I-25 and the Arroyo Hondo, within Sections 17 & 18, Township 16 North, Range 9 East (Commission District 5). Vicki Lucero, Case Manager [Exhibit 7: Letters in Support; Exhibit 8: Letters in Opposition]**

MS. COBAU: Madam Chair, I'm taking the case for Vicki. This is a little unusual. I'm going to give you a chronology of events. It's included in your staff report on the top of page 2. On June 16, 2011 this case was scheduled to be heard by the CDRC. However, the case was tabled by the CDRC because at the time the applicant was not present. The case was then scheduled to be heard by the CDRC on July 21, 2011 due to lack of a quorum. On August 18, 2011 and with only four members present the motion ended in a tie vote resulting in tabling of the case. Those minutes are included in your packet as Exhibit H.

Due to non-action by the CDRC the applicant has requested that this case be taken directly to you, the BCC for action. Note that the Land Development Code doesn't preclude this action and the BCC can act on this case or direct staff to wait for recommendation by the CDRC. So, Madam Chair, I can go on and read the staff report and you can take action on this or you can have me take it back to the CDRC for a recommendation.

CHAIR VIGIL: Thank you. Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, Shelley, so the first meeting you said the applicant didn't show up to the CDRC meeting?

MS. COBAU: That's correct. The cases went through the CDRC agenda I think more quickly than the applicant had anticipated and they arrived about five minutes after the CDRC decided they didn't want to wait any longer.

COMMISSIONER ANAYA: Then the second meeting there was not a quorum of CDRC so no action was taken at all at that meeting?

MS. COBAU: There was no meeting because there was no quorum of the CDRC. We have been having issues with members showing up on the CDRC.

COMMISSIONER ANAYA: I want to ask about that in a second. But in the third meeting there was a quorum but it was a 2-2 tie.

MS. COBAU: That's correct. Because we only had four members. So there were two for and two against.

COMMISSIONER ANAYA: Madam Chair, just given the timelines on the project and the fact that it went to the CDRC three times I don't have a problem hearing the case.

CHAIR VIGIL: Anyone else? Okay. This is a public hearing. The applicant is here.

MS. COBAU: Madam Chair, would you like to take a vote on hearing it and then I'll read the staff report on it?

CHAIR VIGIL: Well, is there anyone that wants to move forward with this or is there anyone that wants to take a motion to send it back to CDRC? It's your pleasure. Do you want to move forward? Okay, I'm seeing a consensus to move forward. Shelley, you can present the case.

MS. COBAU: Okay. Thank you. In the summary of the staff report there's a chronology of events regarding La Pradera with approvals from 2003 to the present. It's kind of a laundry list of things that have gone on with La Pradera and I won't go through that. You can read that chronology. The applicants are now requesting a master plan amendment for the La Pradera Subdivision in order to create an additional 27 residential lots. The twenty-seven proposed lots will be created by adjusting lot lines of existing lots to reduce the size of some of the oversized lots in Phases 2 through 6. The applicant states that these smaller lot sizes are dictated by the significant changes to our economy and the market demand for entry-level housing. Six residential lots from the previously approved 16,334 square feet of residential space will be combined with 11 previously approved condo units from Phase I, for a total of 17 lots, in order to create a village concept which will have the potential of being live-work units.

The previous master plan approval was granted with the proposal of utilizing treated effluent for irrigation of common areas as well as for toilet flushing and irrigation of private lots. The proposal was for each home to install a dual plumbing system. The applicants are requesting an amendment to modify their original approval to allow for irrigation of common areas only with reclaimed water. County staff has met with the New Mexico Environment Department who stated that they are supportive of this change because it is very difficult to control what individual property owners do with the treated effluent which leads to a concern for health and safety.

The applicants are also requesting preliminary and final development plan approval for the 27 new lots and several lot line adjustments in Phases 2-6 and master

plat approval for 4 lots which could be developed into a total of 17 single-family, live-work lots in Phase 1.

The project has been reviewed for compliance with zoning allowances for the requirements of live-work units in the Community College District Ordinance, for water and wastewater, for fire protection, for solid waste, roads and access, terrain management, open space, landscaping and archeology, affordable housing and the homeowners documentation will be revised should this be approved.

Therefore the staff recommendation is that the proposed master plan amendment and master, preliminary and final plat and development plan are all in conformance with the Community College District Plan and Ordinance and County Land Development Code. Therefore staff recommends approval of the request subject to the following conditions.

1. Provide a minimum of 8 residential units (30%) for affordable housing. A mix of housing types is required for the entire development. The affordable housing lots must be identified on the Final Development Plan. The affordable housing agreement must be modified to reflect the additional lots and must be approved by the Affordable Housing Administrator prior to this case being heard by the BCC.
2. Development of the Master Plat lots, which are located within the Neighborhood Center, shall comply with the minimum Floor Area Ratio (FAR) of .25 and the maximum of 2.0 as required in the CCDO. This shall be noted on the Final Plat and Development Plan.
3. Coordination with the Utilities Department on final modification of the water lines and meter locations.
4. Modification and re-filing of Water Restrictive Covenants to reflect new dwellings and maximum water use per dwelling prior to Final Plat Recordation.
5. The live/work units must be sold as a single unit/lot and can't be condominiumized or sold separately. This shall be noted on the subdivision plat as well as on the individual plats and included in the disclosure statement.
6. The property must be brought into full compliance including removal of stockpiles, trash and detritus prior to final plat recordation and shall be revegetated prior to final plat recordation.

And I would like to enter the first five conditions to the record, Madam Chair, and note that I believe the applicant has complied with condition 6 regarding the property being brought into compliance with code and they've removed the stockpiled trash and detritus from the site. And I would just like that condition to be restated to say that the property must be revegetated in these areas prior to final plat recordation.

Thank you, Madam Chair, and I'll attempt to address any questions you may have.

CHAIR VIGIL: Are there any questions? Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Madam Chair. Shelley, on condition number 3. Did staff consider the use of an independent water engineer?

MS. COBAU: The conflict issue was resolved. I don't believe Mr. Guerrerortiz was involved with this at all. Rich Silva did the review and the letter for the County Utility, and these conditions come from Rich Silva, utilities engineer.

COMMISSIONER STEFANICS: So should we in fact – it says coordination, future, going forward, not past. Should we in fact say something about it would not be Mr. Guerrerortiz?

MS. COBAU: I believe that you could do that, Commissioner Stefanics. We do have the letter in Exhibit D from Mr. Silva. Let's see if I can find which page that is. If you look on NBD-37, you can see that the letter came to Vicki from Karen Torres through Rick Silva, the utility infrastructure manager, and those conditions were directly from him.

COMMISSIONER STEFANICS: Okay. That settles it. Thank you.

CHAIR VIGIL: Further questions for staff. Seeing none, is the applicant here? Please step forward. Is there anything you'd like to address the Commission.

KARL SOMMER: Madam Chair, my name is Karl Sommer. My mailing address is Post Office Box 2476, Santa Fe, New Mexico. I represent Gardner Associates and La Pradera Associates and those are just two entities that are owned by John McCarthy, Alexis Girard for Greer Enterprises and Bobbie Lee Trujillo who's here tonight. Also with us tonight is Oralynn Guerrerortiz. She's the project engineer. She's been on this project from beginning to end. She can answer just about every technical question and code question you might have. We'll be as brief as possible. Staff has on a few occasions now drafted a very, very thorough report and they have accurately laid out the request and the conditions of recommendation. The recommended conditions are acceptable to my client.

What I'd like to do is just briefly tell you why we're here and then go through what it is exactly what we're asking for, how we've addressed the application, and then conclude by what we've done since May when this was in front of you with the master plat request. At any time if you have any questions we can answer them even out of order if you think it's appropriate.

Why are we here? We are here for one principal reason, and that is that the downturn in the real estate market in this country and in this community has had a devastating effect on many, many property owners, developers, homeowners and landowners, banks, everybody has felt the pinch. This development is no exception. We've seen in this community several failed developments, at least one in the Community College District. We saw how Suncorps which was doing Rancho Viejo packed up and left. So the downturn in the economy has had a devastating effect.

Well, what effects are those? It has principally tightened credit on all sides, and by that I mean banks are less willing to lend to borrowers who buy, and banks are constrained from lending to landowners who develop. So the consequence has been a drop in the market. Well, that drop in the market has a consequence on the banks' portfolios, and what you have is banks have a loan/value collateral that they must maintain or they start to call the notes, even though they might be performing. When prices of real estate fall, their collateral drops, and what we are trying to do is maintain our collateral, put this development in a secure financial position so that it can move forward and continue to be a successful venture that will provide housing to working

families in this community. That's why we're here. We wouldn't be here but for that reason.

We're here also asking you for a master plan amendment that was fully within your authority. We're not asking for a variance, we're not asking you to change any policy. We're not asking you to do anything other than add to our density by less than ten percent or about ten percent, which is well within the Community College District constraints. But we're not here just with our hands out asking you. We have done everything we can possibly do to make this a successful venture. They have partnered up with a local non-profit. They are producing housing or working families in chunks of 14 that has cost them money by donations of lots and the like. They have done everything they possibly can to shore up their position and this is part of that effort.

What are we asking for specifically? Mr. McCarthy will go through it. But if you look at the staff report we've met every condition of approval in our last approvals and we are in agreement with every condition that they have here. I will not belabor the point about the economy but in short we're asking for an increase in density, a recognition that the water use that we have established is sufficient, even though we have to transform the effluent use from private to the common areas for the reasons that are in the staff report. We are asking for the conversion of the master plan of the commercial units to live-work units because the market does not support small commercial in this kind of environment and in this development.

We have also addressed the complaints that have been voiced by some of the neighbors. What are those complaints? They deal with basically the untidiness of the development and for a while there the property was being used as a stockpile for debris. There were areas that were being used for the storage of soils and other materials inappropriate and unsightly. Those have been cleaned up. And as Ms. Cobau has indicated the only condition left is revegetation of the areas that have been scarified by virtue of that storage area. All the other stuff has been taken care of.

They're in compliance with all the permits from the State Environment Department. The issues related to the wastewater treatment plant have been complied with and Ms. Guerrerortiz can tell you all about that if you have any questions.

The one remaining issue that I think remains with some of the neighbors and most of the in the Vista Ocaso neighborhood which is a legal non-conforming development made up of 2.5-acre and 5-acre lots directly south and adjacent to this development center around density. This Board knows and has had much experience in the Community College District. The Community College District is where this Commission has put its money in infrastructure. It has said this is where we're going to grow. And the policies of the Community College District are to densify and avoid sprawl and 2.5-acre and 5-acre development and bring people around transportation, the utilities, and still at the same time maintain 50 percent open space. Well, that's called density.

And essentially, this plan is well within the limits of the Community College District Plan. The Vista Ocaso people to the south are worried. They're worried about the values to their 2.5 and 5-acre properties. They're worried about what the neighborhood will become if more people move in. Well, they live in the middle of the Community College District where density is called for. There are floor area minimums, not maximums. Now, I understand their concerns and we've met with them over the course

of the months since we were last here in May, and we are not going to be able to resolve among us the density issue. They would like us to come down in the density requests. We are simply unable to do so. This development is on the order of being able to make it. We are in the process of doing everything we possibly can. The density is a key component. We're asking about ten percent of the original density increase, which is again not outside the realm of the policies of this Board and we are maintaining the 50 percent open space.

The buffer, in terms of the distance to the houses to the south in Vista Ocaso is being maintained. We're not moving houses into that open space area. Essentially what we're doing is taking larger lots and reducing their size and increasing them by 27. We're not going to be able to negotiate that because there is no room for us to be able to do it. I wish there were because we'd avoid a controversy. We can't. We simply can't.

On all the other issues related to cleanliness or the appearance or compliance with those we are and have addressed them. With that I'm going to turn it over to Mr. McCarthy or to any questions you all might have of us related to this application. And I'll just simply conclude and turn it over to the experts.

CHAIR VIGIL: Karl, let me just find out if anyone has any questions of you. Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Madam Chair. Mr. Sommer, have you had meetings since our May meeting with the residents of La Pradera?

MR. SOMMER: Yes, there have been many meetings since then with members in the association and there were people outside the subdivision that also attended.

COMMISSIONER HOLIAN: Right. But I'm mostly concerned with whether you've had meetings with the people who actually live in La Pradera.

MR. SOMMER: Absolutely, and I believe that where we started out in May, we've come a long way in terms of coming to agreement with people inside the development.

COMMISSIONER HOLIAN: Thank you.

CHAIR VIGIL: Okay. Any other questions? Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Madam Chair. You have association rules or regulations?

MR. SOMMER: Yes, there are covenants and there are bylaws in the subdivision.

COMMISSIONER STEFANICS: So do the covenants – let's talk about solid waste. Do the covenants allow individuals living there to use the County or to engage the services of a company?

MR. SOMMER: I'll leave that to Mr. McCarthy but I believe the homeowners association – do they do it individually, John? It's done on an individual basis and they're not required to use Environmental, Inc. or anybody. There is no requirement either way.

COMMISSIONER STEFANICS: Okay. I guess I should ask staff this next question. Is there any way – this development is not tied to County water.

MR. SOMMER: It is.

COMMISSIONER STEFANICS: It is?

MR. SOMMER: It is.

COMMISSIONER STEFANICS: So the new units would be tied to County water as well.

MR. SOMMER: As well.

COMMISSIONER STEFANICS: Okay. That's all my questions for right now.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, Mr. Sommer, you made a comment earlier about the surrounding neighbors and you said that they were in the illegal lots and then you said non-conforming. Is it –

MR. SOMMER: Legal non-conforming.

COMMISSIONER ANAYA: Okay.

MR. SOMMER: Their subdivisions were legally approved.

COMMISSIONER ANAYA: It's non-conforming use. I've got it. That's the only clarification I wanted to ask, Madam Chair.

CHAIR VIGIL: Okay. Any other questions? Proceed with your presentation.

MR. SOMMER: I'll turn it over to Mr. McCarthy for his comments and again I encourage you, Ms. Guerrerortiz has the technical information if you have questions about that.

CHAIR VIGIL: Thank you. Welcome, Mr. McCarthy.

[Duly sworn, John McCarthy testified as follows:]

JOHN MCCARTHY: My name is John McCarthy. I reside at 825 Allendale Street in Santa Fe, and I'm the managing member for La Pradera and Gardner Associates for La Pradera Associates. We've had to adapt to the changing economic times as Mr. Sommer has mentioned. What that means specifically is that we're building homes from the \$229,000, three-bedroom, two-bath, two-car garage range to up around \$325,000. This is where our demand exists in Santa Fe such as it is right now.

Since the primary concerns relate to our relationship to our La Pradera homeowners I'd like to mention right now that after our May 10th meeting we asked several members of the La Pradera Homeowners Association, about six of the homeowners to form an advisory committee to assist us in communicating and making the correct decisions for everyone in La Pradera moving forward. Some of those suggestions included our housekeeping and we have cleaned up the site as mentioned. We've also put the second wastewater treatment plant on line. We shut down the first plant and have extensively rebuilt it. So currently we have resolved those problems and what we've also done as a result of meeting with the Vista Ocala neighbors as well as our La Pradera neighbors is addressed the density issues and we have made changes based on meetings with the advisory committee and with our homeowners. Specifically, the changes that we made were to reduce the density in the Phase 1 area from 20 originally requested own to 17 units. Now those 17 units we ended up with in Phase 1 are comprised of the originally approved 11 condos and only six additional units that were put in place in substitution for the commercial so the commercial is eliminated.

To put the phase 2-6 request in context, all but about 27 of our lots out of the originally approved 152 lots in phases 2-6, all but about 27 of those lots are about 80-foot frontages. So our request is to make it so those 27 supersized lots, and what I mean by that is

they had frontages up to about 135 feet, so our request is not to decrease the size of the norm but to decrease the size of these extra large lots into conformity with the mean size of the lots. And the reason for that is that we can build any of these homes on a 78 to 80-foot lot size.

Secondly, we've conformed with all of the conditions we've represented at the time to our Vista Ocaso neighbors and that includes setbacks from Dinosaur Trail, we provided a 195-foot buffer minimum. We added an additional road section because of concerns about traffic next to Vista Ocaso. So we don't need those extra lots. I could point out where the majority of those lots are located for the benefit of the Commission, but essentially they're on the southern tier, adjacent to the 190-foot to 300-foot buffers that exist between our neighbors to the south. So I'd stand for questions.

CHAIR VIGIL: Questions? Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Madam Chair. Will future residents purchase just the lots or will they purchase a lot plus a residence?

MR. MCCARTHY: Madam Chair, Commissioner Holian, our preference would be to sell lots because that was our original business plan. Part of our adapting to the current market conditions is we find that we have to work with builders in conjunction to put these homes up. The short answer is both are available but the likelihood of an individual buying a lot without a home is very remote because the lending community will not extend credit for a lot and in many cases won't extend credit for a builder to build a spec house. So what's being defined by external issues is that you have to have a buyer in place before you can build a home and consequently absorb the lot.

COMMISSIONER HOLIAN: Okay. Thank you, Mr. McCarthy. And then I have some questions that have to do with water, so is there going to be a presentation on that? Should I save those questions for later?

MR. MCCARTHY: Madam Chair, Commissioner Holian, I can attempt to answer those and ask Oralynn for supplemental information.

COMMISSIONER HOLIAN: So my first question is is all the treated effluent now going to water landscaping it or is some of it still going to homes that exist?

MR. MCCARTHY: Madam Chair, Commissioner Holian, all of the treated effluent is now going to common area landscaping.

COMMISSIONER HOLIAN: Okay. And also has the water treatment – are there one or two water treatment plants on the property?

MR. MCCARTHY: Madam Chair, Commissioner Holian, there are two discrete plants.

COMMISSIONER HOLIAN: And have they been inspected recently?

MR. MCCARTHY: Madam Chair, Commissioner Holian, we're obligated to provide monthly reports to New Mexico Environmental Department and that goes into metrics to make sure that we're in compliance.

COMMISSIONER HOLIAN: And I remember reading something in the packet that you were going for a five-year renewal of the permit and I just wondered if that had been approved yet.

MR. MCCARTHY: Madam Chair, Commissioner Holian, we do not have that final approval. It's quite a lengthy process.

COMMISSIONER HOLIAN: Thank you. And I guess one other question I have is with regard to the live-work units. Has the developer done, or whoever, done any

surveying to determine what the demand might be for those kinds of units out there in our community?

MR. MCCARTHY: Madam Chair, Commissioner Holian, we constantly do update ourselves, but if I could describe the unit that we're building in this way. It's basically a detached single-family home that has an exterior entrance that would allow, for example, a music teacher or tutor or someone other of that type to be able to maintain privacy while having a home occupation business. So our product differentiation is not such that it takes us outside a standard single-family home. It enhances it in those cases where someone would like to have a home occupation.

COMMISSIONER HOLIAN: Thank you, Mr. McCarthy. That's all for me.

CHAIR VIGIL: Commissioner Stefanics.

COMMISSIONER STEFANICS: Madam Chair, and I apologize if somebody's already asked this question. Are you willing to accept all the conditions?

MR. MCCARTHY: Madam Chair, Commissioner Stefanics, yes we are.

CHAIR VIGIL: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Thank you, Madam Chair. A question for staff. Shelley, did you guys go out and do a site inspection of this property?

MS. COBAU: Madam Chair, Commissioner Mayfield, subsequent to the initial application and some of the complaints that were received regarding the wastewater treatment plant, myself, Ms. Lucero, members of Mr. McCarthy's team and the New Mexico Environment Department went out and inspected the wastewater treatment plant. We have also sent code enforcement out there to make sure that the debris piles and stockpiles were removed as required. So I've been personally to the project and members of my staff have been out there on several occasions subsequent to this application being submitted.

COMMISSIONER MAYFIELD: Thank you. And Madam Chair, Mr. McCarthy, you indicated that there's a homeowners association out in the area that kind of looked at some of your suggestions and they are participants in this also?

MR. MCCARTHY: Madam Chair, Commissioner Mayfield, the advisory committee is comprised of the six or seven homeowners in La Pradera, and they're the ones that have been working with us closely.

COMMISSIONER MAYFIELD: Thank you, Madam Chair. Did those folks go out and do the site inspection along with you? Were they invited to?

MS. COBAU: I don't recall any members of the homeowners association were there the day that I was out there for site inspection. I believe it was just Mr. McCarthy's team and County staff at that time.

COMMISSIONER MAYFIELD: Thank you, and Mr. McCarthy, I may have some questions for Ms. Guerrerortiz. But one thing, is the wastewater system plant 1 online or offline?

MR. MCCARTHY: Madam Chair, Commissioner Mayfield, Plant #1 is offline. Plant #2 which is a new, state of the art plant is operating. Both plants can be cross-connected at this point.

COMMISSIONER MAYFIELD: Madam Chair, Mr. McCarthy, why is Station 1 offline?

MR. MCCARTHY: Madam Chair, Commissioner Mayfield, because it has been in operation over five and a half years and in addition to the lightning strike there was

wear and tear that we had to come in and totally replace all the pumps, essentially all the pumps, install lightning arresters and do a general rehab of the plant.

COMMISSIONER MAYFIELD: Madam Chair, Mr. McCarthy, on that point, are you guys going to rehabilitate Plant 1, are you in the process of doing it, are you going to do it in the future? How are you going to interconnect the two if this is offline?

MR. MCCARTHY: Madam Chair, Commissioner Mayfield, we have completed the rehab at this time. We have also completed the cross-connect plumbing and the only issue remaining is cross-connecting the electronics. We have two discrete electronic control systems and we're trying to combine those but still maintain the ability to operate these plants independently.

COMMISSIONER MAYFIELD: Thank you, Madam Chair and a question again for staff. Shelley, so on your scenario that you gave to us in your memorandum, under the wastewater and water, is this for Plant 1 or Plant 2, what the capacity is?

MS. COBAU: Commissioner Mayfield, this is going to apply to the entire site. We do have, if you look at the NBG-41 in Exhibit D, there is correspondence from the New Mexico Environment Department that indicates that their discharge permit remains fully effective and enforceable by the New Mexico Environment Department who oversees the wastewater treatment plans at La Pradera. The County doesn't oversee those, and I would just say that Orallynn can answer specific questions I'm sure regarding the functionality of those plants.

COMMISSIONER MAYFIELD: Thank you, but Ms. Cobau, going back to your memorandum, the current capacity of the plant exceed 40,000 gallons per day. So is that the capacity of both plants together, or just one or just two?

MS. COBAU: I can't answer that question, Commissioner Mayfield.

COMMISSIONER MAYFIELD: Ms. Guerrerortiz?

[Duly sworn, Orallynn Guerrerortiz testified as follows:]

ORALYNN GUERRERORTIZ: I'm Orallynn Guerrerortiz with Design Enginuity. We're at 1421 Luisa Street. The two plants together have a capacity of 48,000 gallons per day.

COMMISSIONER MAYFIELD: What does each individual plant have?

MS. GUERRERORTIZ: The first plant has capacity of 12,000, and the second plant has a capacity of actually 30,000, so together it's actually 42,000.

COMMISSIONER MAYFIELD: Ms. Guerrerortiz, what is the current homeowners out there using?

MS. GUERRERORTIZ: I believe -- John would know this better -- 70 homes are connected. We've got flows of about 8,000 to 9,000 gallons a day.

COMMISSIONER MAYFIELD: And just from testimony back in May there were concern with Plant 1. What were the big issues if you guys had capacity on Plant 1? You weren't being able to sustain the 8,000 at the time, you had 12,000 capacity? What were the issues?

MS. GUERRERORTIZ: No, actually, we were having problems communicating with the plant and we found that the plant had probably either dealt with a lightning strike or a surge. Several of the pumps had been blown, and so the plant wasn't really operating. So that's why we brought the other plant on line immediately. Luckily, we have two parallel plants and they're very well interconnected.

COMMISSIONER MAYFIELD: And with future growth of this proposed subdivision, what do you anticipate capacity coming in?

MS. GUERRERORTIZ: We anticipate a flow close to 32,000 gallons, so we have excess capacity in our plant.

COMMISSIONER MAYFIELD: And going back to the permitting, you still need to wait on some permitting from the state?

MS. GUERRERORTIZ: We made our submittal, I think it was in February. The Environment Department is a little understaffed currently and our staff planner went on maternity leave for several months. She said because we've never had an issue with our plant we're a fairly low priority, so we're kind of low on her pile. But she's told me that the submittal is complete and we're just waiting to get to the top of the pile for it to move through.

COMMISSIONER MAYFIELD: Could you give me a statement of this somewhere, how do you get back to online? You don't have to have it permitted to get it online? You don't need final approval to get it online?

MS. GUERRERORTIZ: When we got phases 2-6 approved, we actually constructed the second plant fully, built the entire thing out, and we had it just sitting on the ground not operating. We filled it with clean water and left it there. And so it was always ready to go.

COMMISSIONER MAYFIELD: Madam Chair, do you have it online now?

MS. GUERRERORTIZ: Yes, it's currently working. It's actually an Arenco plant that's set up as a number of pods, and so we've brought several pods online, and as we find we need more capacity we can add additional pods. Not add them, just turn them on. They're already out there.

COMMISSIONER MAYFIELD: Do you need state approval to have that operating plant online right now?

MS. GUERRERORTIZ: No, we have our state approval.

COMMISSIONER MAYFIELD: For Plant 1?

MS. GUERRERORTIZ: For both plants, sir.

COMMISSIONER MAYFIELD: For both plants.

MS. GUERRERORTIZ: Yes.

COMMISSIONER MAYFIELD: So then what are you waiting state approval for then?

MS. GUERRERORTIZ: Oh, it's your renewal that happens every five years when you have a groundwater permit. Every five years you're required to resubmit and just tell them we know where you are and kind of document the capacity and where the current flows are and that kind of information in a nice clean package. So we did that as is required.

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

CHAIR VIGIL: Okay. Any other questions? Seeing none, is there anyone else from the applicant that would like to address the Commission? This is a public hearing. Is there anyone out there in favor of this project that would like to address the Commission? Would you please stand and come forward. Is there anyone else? Please come forward. And you do need to get sworn in. And you can, sir, wait and get sworn in.

[Duly sworn, Ellen Heath testified as follows:]

ELLEN HEATH: My name is Ellen Heath, and I live at 65 Bosquecillo in La Pradera. And I'm coming here, I own a home in Phase 1 and I'm coming here in support of the revised master plan. I also served on the advisory committee that Mr. McCarthy in the effort to develop a consensus on the revision of the plan. And I know that there's concern among some of the original owners in La Pradera about dropping property values and the increased density that's being asked for. And I'm coming from the position that the world has changed around us and that we're being asked to change with it in order to get things moving again, and that this is a good way for us to start here.

With regard to the details of the master plan, none of us on the advisory committee like the idea of the commercial area, and we didn't think it was viable anyway, and so the live-work homes seemed a really good alternative. When we were concerned about the number of them the developers agreed to reduce the number to everyone's satisfaction.

I can see people who are accountants, teachers, consultants, therapists, moving into those homes and being quite an asset to the community, so I'm very much in favor of it. And with regard to the increased density in phases 2-6, a ten percent increase does not seem excessive to me. And also there's a concern that even if the master plan is approved the buyers may not necessarily come. And my perspective is affected by the fact that I drive through Oshara every day and it's a very sad reminder that a wonderful idea can fail in this economy, and I hope that doesn't happen to us. And I know that we need a certain number of homeowners paying dues to maintain our landscape and our roads and our community areas, and I know that we need a certain number of homeowners to bring the dream of La Pradera to the reality. And we all bought into that vision and hope that it will succeed.

And there's no magic bullet under these difficult circumstances but I think this master plan gives the developers the flexibility they need in order to adapt to these very difficult times and to ensure that all of us in the long run have made a very good investment in this wonderful idea. And thank you very much and I hope you will approve.

CHAIR VIGIL: Thank you, Ms. Heath. Next. Please state your name and address for the record and be sworn in.

MICHAEL HENDRICK: My name is Michael Hendrick. I live at 103 Bosquecillo in La Pradera, in Phase 1.

[Duly sworn, Michael Hendrick testified as follows:]

MR. HENDRICK: Like Ellen Heath did I'd like to speak in support of the revisions. Ellen was very thorough. There's not a lot I can add to what she said. I really reiterate the notion that situation at Oshara, we'd hate to see that repeated in La Pradera. I personally feel, living in Phase 1 as I do, I think Phase 1 and 2-6 will all benefit if we have an increased number of homeowners living out there. I think one issue that will improve will be safety. The more people we have living out there the better we're going to be as far as being safe and free from robbery and that kind of thing.

Families that are moving into phase 2-6 now are young families, most of whom have children. They are people who are where I was 40 years ago, probably where a lot of you were then too. This is a big step up for them, to own their own houses, detached houses. These are nice houses, and I think that the plan, in addition to the things that it does for La Pradera that Ellen has mentioned, basically supports some of the goals that Santa Fe and Santa Fe County have in terms of providing housing for people that otherwise could not afford to live in the Santa Fe area. This project addresses those needs.

I understand, I've talked to people who live up in Vista Ocaso. I understand those concerns. Those are nice houses. They're big lots. They're horse properties. If I lived up there I might feel differently. But I don't. I live down in La Pradera and I think that the plans the developers have will benefit everybody that currently lives in La Pradera and the people who will come in later. Some times some people have concerns about the work-live arrangement. My understanding, and you're better informed than I am, obviously, but I think pretty much anybody in the county can have a live-work situation in their house as long as they limit the number of people who come on a daily basis to see them, whether an accountant, an attorney, a tutor, a piano teacher or not because there's not going to be people flooding in here. We were at a meeting and someone was concerned that the person was going to buy a house, they were going to operate a church and there'd be 300 people coming in there on Sunday morning. This is ridiculous.

The work-live notion is very modest. It will not increase density, to my understanding anyway, much at all. Again, as Ellen said, the idea of the commercial property was a nice idea. It was part of the Community College District idea. It was a good idea; it didn't work. It didn't work at Oshara, and there are a couple of businesses at Rancho Viejo that are hanging and there in fact you approved a liquor license for one of them tonight. It's a new restaurant that took the place of Lucky Bean and we hope the Capitol Grill does well. There's a lovely market there, the Rancho Viejo Village Market that seems to be thriving, but there's just two small businesses. So that concept didn't work.

Well, now let's try something different. Let's build some affordable homes. We've got the Community College which is a resource. We've got the church. We've got the area where growth is beginning to happen in Santa Fe. Some people don't like that; I can understand it. But this is something that's going to be positive in the long run and I really, sincerely don't think that it will negatively affect the folks up in Vista Ocaso. They've had to live with Rancho Viejo to the south. We're a much smaller operation. There won't be much traffic and I think basically this will work.

I'm sorry to be so long-winded. Thank you for your time.

CHAIR VIGIL: There's a question for you. Hold on, Mr. Hendrick.

COMMISSIONER ANAYA: Mr. Hendrick, would you support this applicant at this time if the density would have increased in the Phase 1?

MR. HENDRICK: It did. We've increased – we've added 17 units to Phase 1. They're right around the corner from my house.

COMMISSIONER ANAYA: As I'm reading your letter and the staff recommendations it went from 21 to 17. So clarify that for me. I guess I don't understand what you mean.

MR. HENDRICK: I think there were some situations – when they took the commercial property, the square footage and divided it down, there were lots very close to commercial property. Now, one in particular would have been impacted by houses very close to it and the buyer had no idea it would ever be there. Several properties. So these – I think there were two, possibly three – these owners were concerned about this. They bought lots, built houses with the assumption that they were going to be looking at what might be commercial property down the road much later. And now they were going to be looking at houses close to them that they hadn't anticipated. So the needs of those individuals, the advisory committee met with the developers on behalf of the homeowners and argued for a

reduction of density because of that fact. Because these were existing houses that were there and in good faith had not expected to have [inaudible] So that's why it dropped from 22 to 17.

COMMISSIONER ANAYA: Okay, Madam Chair. I wasn't picking on you, Mr. Hendrick. I was just reading your letter and you're supportive in your letter. You say, I favor the developers' plans to increase density in all phases. I understand their concerns. However, the developers have modified their original La Pradera plans and are building four fewer homes in Phase 1.

MR. HENDRICK: This is because they were affecting homes that were already there.

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

CHAIR VIGIL: Any other questions. Thank you, Mr. Hendrick. Is there anyone else who's in favor of this development that would like to address the Commission? Hold your hand up or forever hold your peace, because there will be a closure of the public hearing after we hear from the opponents. Seeing none, Mr. Graeser, did you want to speak in favor? Okay. We're going to now here from those who are opposed to it. Mr. Graeser.

CHRISTOPHER GRAESER: Good afternoon, Christopher Graeser, 227-M East Palace. I'm an attorney acting under oath. I think the primary concern – I do represent several neighbors in both Vista Ocaso and La Pradera. And there's three primary reasons they object here. The first is simply a procedural one. As you heard, CDRC met on this, they heard it, they took a vote. It was a tie; they had to wait for their next meeting. The developers are under a time crunch and they don't want to have to wait for that. But you know what? The code requires them to go to CDRC. Article V, Section 5.2.6.b of the code says any substantial change in land use or an increase in density or intensity of development in the approved master plan requires approval by the County Development Review Committee and the Board. It has to go to CDRC and CDRC has to recommend approval. That hasn't been done and with all due respect I think that needs to happen before this Commission can act on it.

It's not just a hoop, it's an important part of the process because the CDRC is charged with evaluating the application on a number of bases, among those, impact on adjacent lands, viability of proposed phases. That's what we're here talking about is the viability of this development. The CDRC needs to look at that and make a recommendation to you so that you can act on the basis of that recommendation and with the benefit of that recommendation. This isn't a situation in which the CDRC sat on this and didn't act for six months. There was no quorum one month. That's not fair to the developer but it happens. They met on it. They tried to act. They didn't get a motion passed so we simply have to wait for the next meeting.

The second one is a fundamental fairness issue. [Exhibit 9] In 2005, when this was approved, it was an initial approval and an amendment, the developers met with the neighbors and they made an agreement. There was a lot of back and forth. There was a lot of negotiation and they reached an agreement on density and on lot layout. In fact they agreed on everything. There was one remaining issue which was they didn't agree on the width of the buffer and in fact the CDRC, or the EZC at the time simply accepted the buffer the applicants were proposing and nobody appealed that. But at the time what got them approval is the developer agreed to reduce the density of lots in phases 2-6 from 201 to 158, and to put the large lots along the southern side of the development which faces Vista Ocaso. And those were two very important points of the agreement. And now they're asking for a do-over on that. They made

their agreement, their business plan didn't work out, and now they're coming to you for a bailout. And simply that bailout is on the backs of the Vista Ocaso residents.

The concern – what's the point of making an agreement if it's not going to be an agreement, it's going to change as market conditions change. It's not like no one understands that market conditions change and as Mr. Sommer said this development is on the brink or on the border of being able to make it, but it would be worse is for the development to be approved and then it still to fail, and then to have all these small lots out there with no developer working on it.

The second issue just has to do with the submittals. You can look at this as a ten percent increase. You can also look at this as a new 27-lot subdivision, 27 plus 6-lot subdivision. We don't have particular heartburn with the change from the commercial to the residential so we're not making an issue of that. But adding 27 new lots, that's a good sized subdivision that would come before you and there have been issues with this subdivision. There have been utility issues; the reclaimed water thing didn't work out. The septic treatment plants weren't working, they were stinking up the neighborhood, and for that matter there was junk all over. None of that was cleaned up until they needed approval to come back and it's already been a couple months and I don't think anybody, at least that I represent has confidence that in fact those utilities are going to continue working, the septic is going to continue working, that water lines are adequate to serve all this development and just being split. And we don't feel that the developer has made full new submittals for what is just going to be an increase in intensity. It simply is not well enough thought out at this point. It's not a minimal change; it's a significant change.

I don't want to give the impression that my clients aren't willing to work with them. As Mr. Sommer said, quite honestly we have no common ground; there's nowhere to go. It's simply a decision that this Commission needs to make. As far as what we're asking for, we're asking for you to deny the amendment, to uphold the original agreement that the developers made with the neighbors and that the neighbors relied on. The gentleman that just spoke, Mr. Hendrick said, well, we reduced the density from the initial proposal because people were living there and they hadn't anticipated new houses and in good faith they didn't expect new houses. Well, you know that applies to my clients too. And they did in good faith because they in good faith negotiated.

We're asking, if you do approve it, which we request that you do not, that you do not allow administrative approval of the lot layout, which is what they're asking for, since the lot layout is such a big issue. The negotiated agreement was that the large lots would be along the southern boundary. If we allow administrative approval of lot layout then that's not a public process and we don't really have input on that very significant issue so we're asking you not to allow that to be done by the Land Use Director but to require it to come to committee.

And we ask you not to allow subdivision of any of those lots on the southern boundary.

The third issue is the covenants. *[Exhibit 10]* The covenants of the subdivision and Commissioner Stefanics, you asked about covenants. Well, in fact the covenants prohibit subdivision. Section 3.2, no subdivision of any lot shall be permitted. I understand the Commission doesn't have authority to enforce the covenants but I think the covenants give you an idea of what everybody in La Pradera bought in expecting, and what the neighbors expected to see and what the developers initially intended. Now, they don't want to comply

with that. So while you can't enforce that covenant, that would have to be another one of my clients to enforce that in a separate action, you can – you have full discretion to deny this because it doesn't comply with the agreement originally made in the concept that everyone originally had.

Calling a 135-foot lot supersized I think ignores the real issue which is they were big because the agreement was made, and the issue is density but the issue is significantly lot layout also. That's all I have if you have any questions.

CHAIR VIGIL: Thank you. Are there any questions for Mr. Graeser?
Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, and Mr. Graeser, I don't know if you're the appropriate person to answer this, but does the homeowners association meet regularly? Are there regular meetings?

MR. GRAESER: I'm sorry, Commissioner Mayfield. I'm not the person who can answer that. I'm sure that one of the applicants could.

COMMISSIONER MAYFIELD: Thank you.

CHAIR VIGIL: Would someone like to answer that from the applicant's end? Do the homeowners association meet regularly?

MR. MCCARTHY: Madam Chair, Commissioner Mayfield, there is mandated annual meeting with the homeowners and with this current situation since I believe February we've had repeated meetings with our own homeowners to which the public at large was also invited to those meetings. The public was notified within 200 feet of La Pradera boundaries.

COMMISSIONER MAYFIELD: Thank you, Mr. McCarthy.

CHAIR VIGIL: Thank you, Mr. McCarty. We are on the section of the hearing to hear from the public with regard to those who oppose this project before us. Can I see a show of hands of those who oppose it? Okay. And how many of you would like to address the Commission? All of you who would like to address the Commission would you please stand and be sworn in simultaneously?

[Duly sworn, Ron Gallegos testified as follows:]

RON GALLEGOS: The name is Ron Gallegos, 120 Old Dinosaur Trail.

CHAIR VIGIL: Welcome, Mr. Gallegos.

MR. GALLEGOS: As I said, myself and my neighbors are here to oppose this action. The first thing, we are a little insulted that they didn't feel it was necessary to abide by the CDRC's decision and come forward and basically say we don't care what they say or what they're going to do, we're coming before the BCC. I think that says a lot to the constituents that the developer can not abide by the rules and everybody else will have to.

Another thing, they're talking about all the meeting that were had with residents of La Pradera and you did ask a question about where were the meetings held with the owners of La Pradera. Residents of the surrounding areas don't attend those meetings. We did have one meeting with them at the Community College, very contentious between the residents of Vista Ocaso and residents of La Pradera. It was essentially, the tone of the meeting was that no concessions would be made. Shortly after that meeting Mr. McCarthy contacted residents of – most of them were from Phase 1 that were concerned about the commercial plan that was scheduled for that area and they arranged a

deal with the residents of Phase 1 to eliminate the original plan and go with a lower density. That's why you have the individuals here saying we support this because that is the area directly surrounding their property lines and they could get the reduced density that they were asking for.

They are so – first of all, commercial property in that area which as we all know they never had any intention of them building. They're also being threatened with failure as the Commission was. If this doesn't happen, we're going to fail. It's going to be like Oshara. You're going to have to pick up the pieces, scared the residents of Phase 1. If this doesn't pass, if you don't support this we're going to fail just like Oshara and that's not what you want. They were speaking about the buffer that we have with Rancho Viejo. That's a very different story. The buffer is at least 600 feet so it's quite a bit of a difference, and there is no thoroughfare through that area. It's all open space. So it's not like the one we had originally negotiated with La Pradera which is much smaller than 600 feet. And like the lawyer said, the reason these supersize lots are so big along that area is because that's what was negotiated. And these lots in Phase 2 actually happen to share property lines with myself. That's one of my big concerns. That's directly going to impact myself, just like it was directly impacting the residents of Phase 1.

I feel for their financial position. I own property around Santa Fe and we all come into situations such as this, but it's not the County's responsibility to provide collateral to a builder. The CDRC tabled it last and the reasoning behind that was that they allowed La Pradera to meet with the residents of Vista Ocaso to try to work it out as CDRC and BCC have recommended several times in the past [inaudible] We did meet with their lawyer this past Friday and pretty much the outcome was we're not willing to do anything. We did try to suggest several options, options that would even allow them to have the collateral if they would, but if conditions improved that they would go back to the lower density, but it was made pretty clear that they weren't willing to – they were supposed to get back to us but it was made pretty clear that they weren't willing to do any negotiating with us. The negotiating was already done; they took what they had to the Phase 1 people because it looked bad to have residents of La Pradera here objecting.

Commissioner Mayfield, if you recall, you had seen the pictures of the waste that was there before and they said that they made a good effort to clean it up. They make it sound like it's all taken care of but essentially what they did is they took the large debris out and then they just spread the rest of it out into the depressions that were there. So if you walk out there it's debris, aggregate, tree stumps, other such construction materials that were just spread out over that property, probably raised it up a good foot or more in some areas.

Their lawyer talks about abiding by the Community College District. Well, they asked to be in the Community College District. They can't use that as a ploy. Our 2.5-acre lots, we had an expectation. We came to an agreement in 2005 that that's the way it was going to be. He also used words like anti-sprawl to kind of go with Ms. Holian who is anti-sprawl.

That pretty much covers everything. I'm willing to answer any questions.

CHAIR VIGIL: Any questions? Commissioner Mayfield.

COMMISSIONER MAYFIELD: I have a question for staff. Madam Chair, Mr. Ross, Mr. Gallegos and also Mr. Graeser brought up maybe that we should not hear this based on our rules. Can you give me your thoughts on that please?

MR. ROSS: Madam Chair, Commissioner Mayfield, I was just talking to Jack about that and I understand it has been on the CDRC agenda without a decision and the decision was made to bring it up because normally three times is the limit of the notice. The code limits the viability of the notice to three meetings. Otherwise you have to readvertise the whole thing and start over again. So the decision was made to bump it up.

COMMISSIONER MAYFIELD: Madam Chair, Mr. Ross, does the code allow it to be remanded directly to us or does it say it has to be noticed again?

MR. ROSS: Madam Chair, Commissioner Mayfield, it doesn't address this specific situation but it does address the three-notice issue.

COMMISSIONER MAYFIELD: Madam Chair, Mr. Ross, what is your recommendation to us as legal counsel?

MR. ROSS: Well, I don't think it offends the code to hear it. The CDRC is just a recommending body on a master plan; you're the final decision makers.

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

CHAIR VIGIL: Any questions for the testifier? None. Thank you very much. Next.

[Previously sworn, Adriene Simpson testified as follows:]

ADRIENE SIMPSON: My name is Adriene Simpson. My address is 15 Los Caballeros.

CHAIR VIGIL: Please proceed and welcome.

MS. SIMPSON: Madam Chairperson, Commissioners, I think none of us are really – I wish this was a two-part argument. None of us are against the changes that were made in the commercial part of this development. All we're opposing is the 27 lots. So we're not being unreasonable. They can do whatever they want except for those 27 lots as far as we're concerned. Because we had this argument in 2005. And part of the reason that Rancho Viejo is probably successful is that it is surrounded by larger lots. That was part of their recipe for success there. Now we're talking about taking the larger lots, of which large is kind of a euphemism. I don't think any of them are even as large as lots in Phase 1.

So they're proposing to divide those down into tiny lots and I think the only reason we're here really is because of finances. Their note is coming due and they need collateral and it's all been devalued and somehow I supposed the bank is valuing it by the lot. So by approving these we're letting banks dictate the development of Santa Fe County, basically. I'm sure the economy is a variable to dictate development I suppose, but in this case we've already made some concessions. It's not like they can't move forward. I think they're about 40 percent bought out of the lots that are available with at least 60 percent of the lots still to be developed.

So now they are proposing to degradate the neighborhood more by dividing these into the tiniest lots they can, and then partnering with Joe Boyden, the builder, to complete them. I don't know how many of you saw the Channel 4 news story on Joe Boyden and the quality of the homes he built in Edgewood that are in question. I've seen

the quality of the homes that are going up in Phase 2 and they're nothing like the quality of the homes that were in Phase 1. We had no problem. When I moved out there 25 years ago I was in a conforming Extraterritorial Zone area that was 2.5-acre minimum. There was nothing illegal or non-conforming about them. That's how it was. I thought the area would be developed – this property had about 80 homes on it.

So now I've accepted the fact that the Community College District development program is a fact of life so I'm accepting that there's four times already the amount of homes that would have been on there. And it's supposed to be dictated by water requirements. I think the original 2.5-acre parcels were based on the availability of water and now that they have County water out there there is no limit. There's literally no maximum of homes per acre. So maybe the water's not limited but their wastewater facilities are questionable at best. I'm not sure how everything is operating now. I know obviously we've gone over the problems in the past.

I was under the impression that the first wastewater plant, or the second one that is now supposed to be operating, all this time it's been a big holding tank that they were just pumping over to the other one. There was no treatment going on there at all. Now, I don't know what the status of that is. It just goes to show that this is a scramble to save themselves. So they're not going to invest anymore in infrastructure to dig up the street and put in the proper water lines to these lots. The County is probably going to approve it because they have no regulations and codes like the City of Santa Fe. So these are going to be homes that once again, are not going to be up to code. Well, they'll be up to County code but there is no County code. So they're going to be up to whatever the Utility Director thinks is okay.

A 3/4-inch service line is not going to serve two houses efficiently. They'll have water but they won't have the proper pressure. And they're not going to dig up the street and do it the way it should be done. And we did meet with Mr. Sommer this week to try and come up with an alternative with the collateral situation. We agreed that maybe they could add some more lots on the interior, still leaving the exterior lots bigger in line with the way Rancho Viejo was developed and hopefully any future development. And we also suggested that maybe Phase 6 take on more lots because the likelihood of them – Phase 6 is the big debris pile, basically. The likelihood of them investing more money to put the infrastructure in there to complete Phase 6 might be questionable. So if they added more lots there we may never see them in reality.

So I just want to say that I don't think that the bank should be dictating the development of Santa Fe County and that they should stick with the original agreement or meet with us and agree on a limited number of lots on the interior and in Phase 6. That was the original intention, I believe, of the CDRC to delay this was so that we could meet and come to some sort of agreement. But they don't want to negotiate, so that was a waste of time.

COMMISSIONER ANAYA: Madam Chair.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: Did you provide any number of lots that you suggested? A specific number of lots?

MS. SIMPSON: Ten.

COMMISSIONER ANAYA: You said you submitted, as a group you submitted a recommendation.

MS. SIMPSON: It was an oral suggestion at the meeting. We were there as a group. Nobody objected to that.

COMMISSIONER ANAYA: Thank you, Madam Chair.

CHAIR VIGIL: Any other questions? Ms. Simpson, where is Los Caballeros in relation –

MS. SIMPSON: In Vista Ocaso.

CHAIR VIGIL: Where is it in relation to La Pradera?

MS. SIMPSON: It's on the ridge right above La Pradera. I look down.

CHAIR VIGIL: You're on the north side?

MS. SIMPSON: On the south side. The freeway's on one side and I'm on the other.

CHAIR VIGIL: Okay. I understand. Thank you very much, Ms. Simpson.

MS. SIMPSON: And as far as the 2.5-acre lots being horse properties, I have one of the horse properties out of the 38 or so homes out there, there are six of us with horses. It's not some sort of elite community. And most of the people are the same types of people that are buying into this. They've been there for years, it seems like to the people that are buying into this new phase of La Pradera. The Phase 1 La Pradera homes cost probably three to four times more than any of our original homes did. So we're just trying to keep a median home price out there, somewhere between \$250,000 and \$350,000, I suppose, just to maintain our property values. And also to discourage the gang signs that have been turning up on all of our junction boxes and things around our neighborhood ever since these new lower-cost Homewise homes have gone in there. I don't know. I'm not saying that they're all gangsters over there but it's a different kind of neighborhood than what we've had in the past.

CHAIR VIGIL: Thank you very much, Ms. Simpson. Is there anything else you'd like to add?

MS. SIMPSON: No, thanks.

CHAIR VIGIL: Next. Please state your name for the record and your address.

[Previously sworn, Maureen Cashmon testified as follows:]

MAUREEN CASHMON: My name is Maureen Cashmon. I live at 20 Arroyo Viejo Road, and thank you for letting us address you. I was proud of the group when this first plan came before the EZC and the EZA and we negotiated in good faith. The homes that were proposed, the density was way too high. We negotiated down, the Commission, the EZA approved a lower density. They thought that La Pradera had negotiated in good faith with us and they thought that the reduction in density was appropriate. And even though we requested a 300-foot buffer like our neighbors, Rancho Viejo have given on the other side of the development, the Commission at that time, or the EZA felt that 195-foot buffer was adequate, even though the Community College District plan allows for special provisions for existing neighborhoods.

Now to go ahead and change the density and if you approve this you are bringing it very close to what was originally proposed. We're asking this Commission to keep that good faith effort that you gave to us as voters. We know economic conditions have

changed. I can sell my house if I choose to right now, but it's at a very different economic condition than it was in 2005. La Pradera can sell those lots right now. At market value, just like I would have to sell my home at market value, not what I hoped to get in 2005; what is existing right now. This is America. That's what happens. They took an investment risk. They were hoping to realize a profit just like my home. When I sell I hope to realize a profit. Right now we wouldn't sell our home. We first love where we're living, but we wouldn't sell it. It would be very different than what we could get in 2005.

The Community College District, I have pored over that since 2005 when we met and we discussed La Pradera. One of the things, one of the centerpieces of the Community College District Plan allows for we don't want the sprawl. We want mixed use commercial and residential development. So we can have a rich network of highways and roads that everyone doesn't have to go into town. We can reduce the traffic on our infrastructure by eliminating that commercial development, which was envisioned, maybe a little coffee shop, maybe a little bit of ice cream store that my children would bike to. Now that has been eliminated.

I understand why Phase 1 might not want commercial development, and we can live with that. But I think also if you approve this what you have done and what the last night is you pitted neighbor against neighbor. You heard people from Phase 1 talk about, well, we negotiated with the developer to reduce the density in Phase 1. Our people in our development have tried to talk to the developers and saying, okay, we understand you want more density. We don't believe it should happen. But if you do, please don't put it on the side right next to the existing neighborhood.

Now, to say that the CDRC met three times, well, we've been here for all those meetings. It was not our fault that the developer didn't show up at the first meeting and we waited, and the CDRC waited, and they said we will give the developer a certain amount of time to show up. The developer didn't show up. So to say now, okay, three times, but now you have to go ahead and look at this, it should go back to the CDRC. However, I sit on boards for Santa Fe Public Schools, so I know also too that CDRC is only a recommending body. You are the approval officials.

I know that La Pradera has said that they've tried to be a good neighbor. However, I can tell you many in the existing neighborhood of Vista Ocaso do not believe that and one example, and I think there is some disappointment, some outrage to be back here in front of this Commission. La Pradera decided they were going to gate our road that belongs to the County. That we have used for many, many years. Only, only until we hired a lawyer at our own expense did they decide they would not gate those roads. That was a suggestion from Phase 1. They wanted a gated community. We don't want to live in a gated community. This is Santa Fe. This community should be for all of us; not for a select few. But it was only until we'd hired a lawyer to stop those gates going up – we tried to talk to the developer and say, don't put up those gates. How are our school buses going to get to our community? Well, we'll make sure that we open it up. But we said, what happens when the school bus comes early? Well, the school bus has to reroute around it. That's not being a neighbor.

So we're asking, we're asking that you keep the faith that we had when we came back here and we negotiated in 2005 with the EZC and the EZA. They approved a development. We know market conditions have changed. Market conditions will change

again. We all believe that. Whether it's in five years or ten years, this will have changed. We are a dynamic community. We're a dynamic country. We will get back to where we were. We're asking don't make a short-term decision that has long-term consequences for our area. If you do decide to approve this, we ask, and I think you've heard everyone from [inaudible] say please do not put that density on those lots on the south side. Put them up next to the highway. Will that take the developer some effort to do that? Yes. But we shouldn't have to have the density next to us.

And so that's – we would like you to first of all honor the – I know everyone has said they're okay to let the commercial development go. I'm not necessarily in agreement with that but that's a decision of this Commission because later on, Rancho Viejo, when they started out could not support a coffee shop, could not support a grocery store. They're supporting those now. Later on the commercial development might support a little book store, a little coffee shop, a little ice cream place. That's part of the Community College District Plan. So everyone doesn't have to come back into town to get basic things. To have a community. A community is more than just houses.

So we would ask you not to support this plan as it is being brought forward to you. If you do approve it we are asking that you do not approve the way that they want to put those 27 homes. I find it interesting that Phase 1 is supporting the development because the contractor/developer was willing to negotiate down a level of development. We from Phase 2 through 6, and this has been a history of that property, 2 through 6, we're going to put in the high density there.

We've lived there many, many years. We understand, as Ms. Simpson said that times have changed. We have changed. We support the Community College District. But don't just gut and pick and choose from that plan. The whole point of that was to develop mixed use, residential, commercial. That was the plan. I've seen that plan work in other communities. It isn't easy to get to that point but it does work. It may take longer than what you hoped and that was part of the thing with Oshara. By the time they finally got their approval market conditions had changed. Does that mean that Oshara's concept is dead? No. It may come back. But will there be somebody different developing that? Probably. And will it take many years? Sure.

Santa Fe has been here for over 400 years. We've got a rich history. La Pradera will be here for many, many years. Vista Ocaso has already been here for many years. So we're asking you please do not support 27 more lots in phases 2 through 6. Honor the commitments of previous Commissioners, commitments to this community.

CHAIR VIGIL: Thank you, Ms. Cashmon. Anyone else? Do you have any questions of Ms. Cashmon? Okay. Questions? Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, I have three questions and whoever can answer them I'd appreciate it. On the Phase 1 build-out, is that 100 percent? What's the percentage on Phase 1?

MR. MCCARTHY: Madam Chair, Commissioner Mayfield, Phase 1 had originally approval for 80 dwelling units, of which 11 were the condos. Out of the remaining units we have sold approximately 61 of the standard lots, and that includes duplexes. So we're up around 68 units sold.

COMMISSIONER MAYFIELD: Thank you. Madam Chair, Mr. McCarthy. Phase 2, has anything been built on any piece, any lot in Phase 2?

MR. MCCARTHY: Madam Chair, Commissioner Mayfield, in Phase 2 there have been 15 lots already built upon and homes.

COMMISSIONER MAYFIELD: Is that 1-5 or 5-0?

MR. MCCARTHY: 1-5.

COMMISSIONER MAYFIELD: Thank you. On any other phase has anything been built?

MR. MCCARTHY: Madam Chair, Commissioner Mayfield, in Phase 3 the similar number has been built.

COMMISSIONER MAYFIELD: Thank you. Madam Chair, a question for Mr. Ross or Mr. Kolkmeier. Would there be anything right now to prevent a homeowner in Phase 1 or the current homeowners in Phase 2 that have built, or Phase 3 to come here and ask us for a lot split to put more density on the current lot they own?

MS. COBAU: Madam Chair, Commissioner Mayfield, as part of a previously approved subdivision with a pretty strict water budget I don't think you could anticipate any further land divisions will be occurring in La Pradera Subdivision. Certainly someone could come in and ask for a variance and there's nothing that would preclude them from doing that but it wouldn't be supported because it wouldn't have the water. I'm sure that the covenants in the subdivision themselves prevent further subdivision.

COMMISSIONER MAYFIELD: But Madam Chair, Shelley, that's kind of like what we're asked to do right now on this Phase 2. There was already agreement a while back that was approved by this Commission and now the applicants are coming in and asking us to change those lot lines. So why would that prevent somebody who's already purchased a home and owns a home on one of the existing lots to come and ask for a variance to split that?

MS. COBAU: Madam Chair, Commissioner Mayfield, just let me go through the numbers and maybe it will make it easier to understand. Phase 1 was originally approved for 69 residential lots, 11 condominiums, 16,334 square feet of commercial space, which is much more than a small bookstore, and 16,334 square feet of residential space, which were I guess the live-work units. Phases 2 through 6 were approved for 158 residential lots for a total of 238 residential lots, 16,000 square feet of commercial and 16,000 square feet of additional residential.

Now they're coming in with a current proposal of 271 residential lots as opposed to 238, 11 of which can be live-work. I don't think that it's unusual for a developer to come in prior to development of subsequent phases and ask to modify that phasing and the ideas that they had. A master plan is just an idea.

COMMISSIONER MAYFIELD: Madam Chair and Shelley, could the developer come in and ask for a modification of Phase 1 on the vacant lots they have?

MS. COBAU: They could. They'd have to get approval of this body before they could do that and there would be a public hearing process.

COMMISSIONER MAYFIELD: Thank you. But Madam Chair and Shelley, the homeowner who's already purchased on Phase 1 could not come and ask for a variance to split that.

MS. COBAU: Yes, they could. They could come in and ask for a variance unless they were subject to covenants and restrictions by the subdivision that would

preclude them doing that. We don't – the County doesn't enforce those covenants so there would nothing from that person coming forward and asking for a variance. Whether or not it was supported would depend upon the conditions and certainly things like water availability and everything else. But there's nothing to preclude them from coming forward.

COMMISSIONER MAYFIELD: Madam Chair, in staff's opinion should the developer be subject to the same covenants?

MS. COBAU: Well, they are. I think they participate in the homeowners association and are subject to the same covenants.

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

CHAIR VIGIL: Did you want to add something to that, Mr. McCarthy?

MR. MCCARTHY: Yes, Madam Chair, Commissioner Mayfield. There's two distinct issues here. One is that when we purchased the land it was already deed restricted for the purpose by the sellers for the purpose of avoiding guesthomes. So no matter what size of the lot the deed restrictions preclude coming in and asking for additional dwelling or lot splits on a lot, no matter what size.

COMMISSIONER MAYFIELD: Thank you.

COMMISSIONER ANAYA: On that point.

CHAIR VIGIL: On that point, Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, was it those same deed restrictions that referred to a 1,500 square foot minimum house size or is that different set of restrictions that are referenced in some of the documentation I have in front of me? Was that in the same document or was that different? There's a document in our packet that says there's a minimum size of a house of 1,500 square feet. Where did that come in?

MR. MCCARTHY: Madam Chair, Commissioner Anaya, I believe there's two separate documents. The one that restricted 1,500 square feet per dwelling unit, and it was interpreted through an affidavit of the people that placed that restriction that the 1,500 square foot was total not deeded. But I believe it was a separate document that did deed-restrict the land from further subdivision for the purpose of guesthouses.

COMMISSIONER ANAYA: Separate from the 1,500 square foot document.

MR. MCCARTHY: Madam Chair, Commissioner Anaya, I believe that is correct. We bought the land in 1999 so I'd have to refresh my memory, but I believe that's correct. But the condition does exist, whether it's in one document or two.

COMMISSIONER ANAYA: Thank you, Madam Chair.

CHAIR VIGIL: Okay. Any further questions? Okay, is there anyone else opposed to this project that would like to address the Commission. You need to be sworn in. You weren't sworn in with the original group. I need to ask one more time, anyone else opposed that wants to speak to this, because after this the public hearing will be closed. Please state your name for the record and your address and we'll have you sworn in.

JANE GILLENLINE: My name is Jane Gillentine and I live at 2256 Calle Cacique.

[Duly sworn, Jane Gillentine testified as follows:]

MS. GILLENLINE: Madam Chair, Commissioners, I represent the forgotten neighbor to the east. My family owns five lots directly east of this. We have not been involved. We have received mail letting us know of your meetings and the CDRC. We have not been involved in any of the meetings nor have we been invited. This development was presented to us when it first started. The large lots adjoin ours as does some of the open space. It was presented to us as a phased in large lots, not so large, smaller, smaller. This present plan destroys that. It is our land. We've owned it over 35 years and we would like to see some integrity remaining out there.

Our other major concern, and we don't live out there any more so this is a concern for the people that do live out there. A 24-foot wide roadway is not going to accommodate the kind of traffic this development is going to bring. I think you should give it really serious consideration. Thank you.

CHAIR VIGIL: Thank you very much Mrs. Gillentine. This will close the public hearing and I'll just defer to my Commissioners up here in terms of what direction they would like to go. Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I have a question going back to a comment that was made by one of the individuals that came forward of staff. It had to do with the timeliness or lack thereof of a commercial development within a subdivision or an area. Does staff want to comment on the comment that was made that today might not be the right time to deal with commercial here but the future could be the right time? Does staff want to comment on that in the context of everything that's happening? What comes to mind, it may be a lot different but a scenario that comes to my mind is Eldorado.

Eldorado was subdivided and it was absolutely no commercial. Do not do it. No way. We don't want it. We'll go to Santa Fe for our commercial. And now you see that it's an essential part of that community in that segment of Eldorado that makes a lot of sense for commercial. So it maybe wasn't the right time in 1976 or 74 or whenever it was originally developed by AMREP but it certainly is now. Jack, do you want to comment on that? Having been part of the Community College District Ordinance and the development therein. Shelley, you as well.

MR. KOLKMEYER: Madam Chair, Commissioner Anaya, there's actually do things that have gotten complicated here. One is the types of centers that were designated in the Community College District. Employment centers, village centers, and neighborhood centers. Again, this is 12 years ago when this was all created, so the idea was there would be a difference in scale of what would happen in these particular types of centers. Employment centers would be predominantly commercial with other mixed use. Village centers would be in the larger residential centers, and the neighborhood centers would be in the smaller subdivision areas.

Secondly, the idea of mixed use was originally to be a mixture of not only just commercial and residential but other things as well – institutional uses, open space, open community areas. And what we found, in 2005 we did a fiscal impact study for the whole Community College District and what was suggested to us at that time was that there were too many village centers in the whole Community College District and there may be too many neighborhood centers. We didn't redo that at that time under the assumption that the developers who came in would make those kinds of decisions themselves and

come up with the appropriate kinds of development. But what we've found now, as has been mentioned by all sides of the argument here is that the times have changed.

So the request here, part of what is adding to the density discussion is that to eliminate some of the commercial for what? And that has been for live-work which we still consider a form of mixed use, and to continue to have the open space but to continue to make up the difference with residential. So the problem, and again your example of Eldorado – of course none of that commercial was even built in the subdivision of Eldorado. It was built in the outside subdivision.

But the point is we've had to adjust somehow in our thinking about what was originally intended from the Community College District to what we're seeing happen right now, which is a shift of some kind. The problem for all of us is shift to what? How are we supposed to make the decision about what's right for the amount of commercial? What's right for the mixed use concept that has now asked to be changed and to move forward. And I think the only way we really get there is through this public kind of negotiation.

This is a really good thing for us to be discussing because this is going to set the precedent for a lot of the other smaller neighborhood type centers that are going to occur throughout the Community College District. So how we arrive at those numbers we're not really sure because we can't say a definitive number, like Shelley said before, 16,334, that's a lot of commercial space for a neighborhood center. It's not going to support it. So what do we pick? What number do we pick and how do we do that? And I think it really is a combination of having the neighbors and the developers really work this out.

COMMISSIONER ANAYA: Madam Chair.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I went back and I apologize to anybody that thinks I wasn't paying attention because I was looking down, but I went back and read two to three times the comments and discussion that took place at the last meeting, and during that discussion I was asking a whole lot of questions as were my fellow Commissioners about what was going on with the last phase. And if you remember there was a lot discussion about, are we talking about 22 units or 21? I remember Shelley and staff was probably frustrated with me but I was trying to really get to the core of what are we really doing here at the last meeting. And we had a long discussion about what's reasonable and what makes sense? We talked a little about the commercial aspect at that meeting as well.

And when we left that discussion, the discussion was to go forward with allowing the 11 actual 10 additional units if you go back and look at the minutes. And then what was – and it was our other staff member was presenting. Her name escapes me right at the moment – Vicki – Vicki was presenting. And I said you keep bringing up this other factor, 27 units. Well, we're back here to have the discussion on the 27 units again. You have the same community members that have voiced concerns with the project, and you have the developers here that it doesn't seem like having a whole lot of discussion at this point. And what I asked earlier, was there any proposal between the 27 units and any increase, and I only asked one person. It was the lady back there, Ms. Simpson, I believe, who said 10. And other than that, other than those comments there's a separation between the 10 and the 27. But I think, and I want to hear from my colleagues, but I think to just

walk away completely from the commercial, I don't know. I would have to agree with some of the comments made by the earlier lady about walking away from that all together. I don't know that that's necessarily the right thing to do either.

I do have one specific question for the applicant, is to help me understand and I understand the frustration of the development community and the market and the fact that you're trying to make a living and you're trying to be able to sell homes and sustain the development so it doesn't fall apart. Help me understand the need to go from the discussion we had at master plan last time for the ten additional units to the full-blown 27 units additional for all phases. Is there some middle point that you could get to that I'm looking to you, Bobbie Lee and John, whichever one of you wants to respond. Is there some midpoint associated with some of the subsequent phases that helps you with your financial predicament, if you will, but tonight, doesn't pull us all the way to 27?

The other question that I have, is there some compromise associated with additional residential units and holding some of that commercial back? Not 16,000 square feet, but, I don't know, maybe 5,000 in each phase. Was that possibility discussed on your end and could you give me any feedback associated with those questions or thoughts?

MR. MCCARTHY: Madam Chair, Commissioner Anaya, to answer your first question, we are not giving up commercial. What we're doing is micro-business, allowing for micro-businesses through these live-work or home occupation programs. So there could be a small coffee shop or an exercise tutor or music teacher or whatever within the commercial. So we're retaining that – for want of a different word, that commercial aspect in Phase 1.

As far as the distribution – let me back up a little bit. The ten units, through negotiation with our advisory committee and our immediate neighbors we've reduced that as previously testified from ten down to six. In terms of the 27 units, they're distributed through all phases, 2,3,4,5 and 6. So Phase 6, for example, has I believe four additional units. Phase 6 hasn't recorded. Phase 3 has 5 additional units.

COMMISSIONER ANAYA: Give me those one more time again. Each one.

MR. MCCARTHY: Of the 27, Phase 6 has four additional lots. Phase 5 has 3. Phase 4 has 7, which is not yet platted. Phase 3 has 5 and Phase 2 has 8. So phases 2 and 3 have already been platted and recorded and we've sold a combined total of 30 units, 30 homes in those two phases. The way we originally laid out La Pradera utilizes 50 percent open space not only as the buffer. This has the 195-foot buffer from the centerline of the road to the back of this house, and this is about 300 linear feet here. We did put some larger supersized lots along this corridor here but remember that my comments were also limited by the number of units we're putting in each phase.

So again, Phase 2 we're proposing to add 8 lots in here that will be distributed, and in Phase 3 we're adding 5 which were distributed through here. But you also have this big backyard. So you've got an 80-foot front lot with 195-foot backyard. Then you have the other side of the 50-foot right-of-way, 25 feet more on the opposite side. And if I may correct the record, Phase 4 is where the pile of debris was which has been cleaned up now, not the other phase, Phase 6. So Madam Chair, Commissioner Anaya, I hope that answers your questions.

COMMISSIONER ANAYA: Madam Chair, Mr. McCarthy, the answer to my question associated with is there any other way from your perspective economically to not have all 27 approved today, the answer is no? That's the only way? The only way, to put it more straight, from your standpoint to be able to succeed is to be able to have the 27 lots?

MR. MCCARTHY: Madam Chair, Commissioner Anaya, that is the absolute minimum.

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

CHAIR VIGIL: Further questions? Commissioner Mayfield.

COMMISSIONER MAYFIELD: Mr. McCarthy, with the map you have up, where is the wastewater treatment plant?

MR. MCCARTHY: Madam Chair, Commissioner Mayfield, the wastewater treatment plants are located in this area right here.

COMMISSIONER MAYFIELD: Okay. Maybe it's not you I'm asking this question. Would there be a need for a third wastewater treatment plant, which all the phases at complete build-out?

MR. MCCARTHY: Madam Chair, Commissioner Mayfield, based on our engineer's calculation which was accepted, planning-wise but the NMED, no.

COMMISSIONER MAYFIELD: Thank you.

CHAIR VIGIL: Okay. Any other questions? Okay. Seeing none, what is the pleasure of the Commission?

COMMISSIONER ANAYA: Mr. Martinez, Madam Chair. Mr. Martinez, do you want to address the Commission?

CHAIR VIGIL: I actually closed the public hearing.

COMMISSIONER ANAYA: Relative to the economics. I mean as a partner –

CHAIR VIGIL: Oh, on the question you were posing.

COMMISSIONER ANAYA: A question as a partner on the economics. Madam Chair, the reason we went through the dialogue and the last time, and the need for us as a Commission to try and provide some economic development, an opportunity to get some houses built and sold, I think it's important. But on that point, you'd concur that there's no other alternative that you have at this time, other than what's being brought before us today.

[Duly sworn, Bobbie Lee Trujillo testified as follows:]

BOBBIE LEE TRUJILLO: My name is Bobbie Lee Trujillo and I reside at 3 Hacienda. Madam Chair, Commissioner Anaya, we've studied this. We met with people. We've worked out the details. We knew that the total of the 32,000 square foot commercial would never work. It just hasn't worked in other subdivisions and I won't start pinpointing the other subdivisions, but we've worked on how do we make this happen so that we can produce a product that can be purchased, that somebody might want to actually purchase the lot and build something. We've switched that thought to us going in and getting with a builder and with the Santa Fe Trust and building houses.

So we're attacking it from every point of view we could possibly do. And I think this is sort of where we're at. I really do. I think that if you see that the 27 lots that we're

trying to get in addition on phased 2 through 6, 27 lots on about – I'll just guess, probably in about 90 acres. Because I believe the entire subdivision is somewhere around 160, 170 acres so we're talking about 27 additional lots on about 90 acres. I might be wrong on the exact calculations. But if you look at it like that it's not a lot. It's not a lot and if you look at the drawings it's not an impact at all.

COMMISSIONER ANAYA: Madam Chair, if I could. I'm sorry I called you Mr. Martinez. Mr. Trujillo, if you could comment on your base minimum price for a house and a lot, what's the minimum that you could see on any of the phases?

MR. TRUJILLO: Well, the minimum right now is \$129,900. I mean \$229,900, excuse me. And we brought a model in at \$325,000. So our plan was to be somewhere between \$229,900 or \$229,500 and \$350,000. Of course it can go up from there as well.

COMMISSIONER ANAYA: Thank you, Madam Chair. Thank you, Mr. Trujillo.

CHAIR VIGIL: I did have a couple of clarification questions for staff before we move forward. There's a couple of – just two pieces of information that I heard in the testimony that I think needs to be clarified for the record. I did hear testimony from the opponents that there is no County code. Would you clarify that, please? There does exist a County code and I don't know why – I just wanted to clarify that for the record. When was it adopted?

MS. COBAU: Madam Chair, this project was reviewed for compliance to both the Santa Fe County Land Development Code that was adopted in 1981 and also the Community College District Ordinance which I believe was adopted in 2001. It was checked for compliance to both those ordinances, Madam Chair.

CHAIR VIGIL: Okay. And one of the other statements that was made that I'd like staff to comment on is that there's a 24-inch wide road that is insufficient for this development? Would you comment on that?

MS. COBAU: Madam Chair, the subdivision regulations of the Land Development Code have pretty clear requirements on roadway widths and 24 feet is one of the wider roadways. It's two 12-foot lanes. We're going currently with the Community College District standards, I think even allow a narrower lane than 12 feet. And road design is based on traffic volume and we have a traffic report that has been generated by a licensed professional engineer who has assured as that the design of the surrounding roads is adequate.

CHAIR VIGIL: Okay. Those are the only two outstanding questions I had. So are there any other questions? Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, question for staff or maybe you or one of the other Commissioners could answer this. Is there ever any plans or have there been plans for DOT to cut off ramps right there by the Richards Avenue exit? Is that something that could happen in the foreseeable or near future?

COMMISSIONER STEFANICS: On that point, the MPO has placed a Richards Avenue exit on its priority list. It's a very large amount and would probably not be funded as one of the regular federal or state projects, but would require some major appropriation from one of our congressional representatives. But it is on the priority list for the MPO.

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

COMMISSIONER ANAYA: Madam Chair.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, we're in a tough climate right now. There's a lot of people here in Santa Fe County that are still not able to even find houses to purchase, and at \$229,000 on the low side, that's still a lot of money in this community but it's an opportunity. I guess one last question and then I'm going to make a motion. How fast, how much time would it take in your plans to push through your phases, to actually get to build-out? What's your target planning on build-out of the subdivision?

MR. MCCARTHY: Madam Chair, Commissioner Anaya, based on today's absorption we're looking at probably seven years to fully build out La Pradera.

COMMISSIONER ANAYA: And Madam Chair, Mr. McCarthy, within those price points, especially on the \$220,000 side, how much of the development in the early going in the next two years is going to be within that scale or price point?

MR. MCCARTHY: Madam Chair, Commissioner Anaya, based on what we're already experiencing, today it's about 95 percent in the \$220,000 to \$265,000 range. If we don't see much movement that number will probably come down over 2 ½ years to an 80/20 mix. And then we're hoping that the ratios would start to flip after that period, after the presidential election and economic recovery and job creation, which is what we're trying to do locally.

COMMISSIONER ANAYA: So Madam Chair, Mr. McCarthy, if this is approved these units would increase the number that would be in that price point of \$220,000 to \$265,000?

MR. MCCARTHY: Madam Chair, Commissioner Anaya, that's correct?

COMMISSIONER ANAYA: How many of those 27 would you say?

MR. MCCARTHY: Madam Chair, Commissioner Anaya, 27.

COMMISSIONER ANAYA: All 27.

COMMISSIONER ANAYA: Madam Chair, it's on that point and for that reason that I would move for approval.

COMMISSIONER HOLIAN: Madam Chair, I would like to second it and during discussion I would like to make a few comments.

CHAIR VIGIL: I have a motion and a second. You can proceed with your comments.

COMMISSIONER HOLIAN: Thank you, Madam Chair. I do have sympathy for the neighbors of this development. I know that they had a vision of what they wanted that area to look like, but times are changing and there's just no way around it. I really feel that this type of development that has been proposed is much more in line with what our existing market looks like, that is the live-work units and I believe that the 27 new lots are really more targeted to first-time homebuyers. I have a friend who's a real estate agent and she says those are the kind of units that are moving in Santa Fe at this point.

It is also consistent with the Community College District Ordinance and I don't believe that the La Pradera commercial center as it was originally envisioned would be

successful at all. Those kinds of commercial centers have not worked in many, many other developments in the last ten years and I think that the live-work units really make sense. I believe that approving these changes actually increases the chances that this development will be successful and I believe in turn that increases the chances that property values in that area, not only in La Pradera but also in the neighboring communities will start stabilizing as well.

COMMISSIONER STEFANICS: Madam Chair.

CHAIR VIGIL: Commissioner Stefanics.

COMMISSIONER STEFANICS: Does the motion include all the conditions listed on page 6?

CHAIR VIGIL: Would the motioner include that please?

COMMISSIONER ANAYA: Yes.

CHAIR VIGIL: The seconder?

COMMISSIONER HOLIAN: I agree.

COMMISSIONER STEFANICS: Thank you very much.

CHAIR VIGIL: Okay. Is there any other question, comments?

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

[The Commission took a five-minute recess.]

- XIV. A. 6. **CDRC Case # V 11-5200 Jesus Garcia-Solis Variance. Jesus Garcia-Solis, Applicant, Requests a Variance of Ordinance No. 2002-9, (La Cienega/La Cieneguilla Traditional Community Zoning District), Section 6.4.2 to Allow a Second Dwelling Unit on 2.53 Acres. The Property is Located in the Vallecita de Gracia Subdivision, off Los Pinos Rd. (County Road 54) at 1 Corte Gracia, within Sections 22, 27, & 28, Township 16 North, Range 8 East (Commission District 3) Wayne Dalton, Case Manager**

MR. DALTON: Thank you, Madam Chair. The applicant requests to allow a second dwelling unit on 2.53 acres. There is currently a residence and conventional septic system on the property. The property is served by a shared well system which serves five additional lots. The property is located in the Traditional Historic Community, within the Basin Zone. Ordinance #2002-9 requires the minimum lot size in this area as 10 acres per dwelling unit. With proof of 100-year water supply through a geohydrologic reconnaissance report, and adoption of water use covenants the maximum density may be increased to one dwelling unit per 2.5 acres.

The Vallecita de Gracia Subdivision was granted preliminary and final plat and development plan approval by the Board of County Commissioners on March 10, 2005. The approval consisted of an 11-lot subdivision. On July 13, 2010, the Board of County Commissioners approved a request for preliminary and final plat and a development plan

amendment to create three additional lots in addition to the previously platted 11 lots for a total of 14 lots on 42 acres.

At the time of approval in 2005, a geohydrologic report was submitted for a 16-lot subdivision which demonstrated adequate water availability for the development. At the time of plat recordation, water restrictive covenants were also recorded restricting water use to 0.25 acre-foot per year per lot which is only adequate water for one residence per lot. On the Plat of Survey recorded in the County Clerk's Office on April 2, 2007, under Santa Fe County Notes and Conditions, #13 states: guest houses are prohibited, therefore only one dwelling unit is allowed per lot.

The applicant states in 2008, he and his brother purchased the property with the intent that they could both construct a home or place a mobile home on the property. The applicant states that shortly after purchasing the property his brother then placed a mobile home on the property. The applicant states he decided to wait on purchasing his home due to the lack of money. The applicant has already purchased a mobile home and has also paid half the cost of installing the septic system. The applicant also states that this is a lot of money to lose and was looking forward to finally residing on his portion of property after so many years. The applicant currently works out of town to be able to pay rent where he is living and also to pay mortgage on his portion of property that is vacant.

Recommendation: Staff has reviewed this application and has found the following facts to deny this submittal: Ordinance 2002-9 requires a minimum lot size in the area of 10 acres per dwelling unit. The applicant's lot size is 2.53 acres. Water restrictive covenants were recorded with the Vallecita de Gracia Subdivision restricting water use to a quarter acre-foot per year per lot, which is only adequate water for one residence per lot. The hardship described by the applicant is not the type of variance hardship required by the Code. The applicant has not justified a hardship which is required by the Code. Strict compliance with the requirements of the code would not result in extraordinary hardship to the applicant. To allow further reduction of the Code density requirements would nullify the purpose of the Code therefore staff recommends denial of the applicant's request.

Madam Chair, if the decision of the CDRC is to approve the applicant's request, staff recommends the following conditions be imposed, and 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.
2. A shared well agreement shall be signed and recorded in the Office of the County Clerk.
3. The applicant must obtain a development permit from the Building and Development Services Department for the second dwelling.
4. Compliance with minimum standards for Terrain Management as per the Land Development Code and compliance with Ordinance 2003-6 Water Harvesting.
5. The placement of additional dwelling units on the property is prohibited.
6. The existing driveway will serve the proposed residence.

CHAIR VIGIL: Is the applicant here?

MR. DALTON: Madam Chair, yes, they are.

CHAIR VIGIL: Okay. Is the applicant in agreement with all the conditions that have been identified?

MR. DALTON: Madam Chair, they are in agreement with the conditions.

CHAIR VIGIL: Okay. Questions for staff? Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Madam Chair. So I guess this is a question for Shelley. Is there a quarter acre-foot restriction actually recorded on the plat to this property. Maybe Wayne knows this.

MS. COBAU: Wayne, can you address that? If there's a plat note that plat note would indicate that there is but we can check on the plat, Madam Chair and Commissioner Holian.

CHAIR VIGIL: Thank you. Further questions?

MR. DALTON: Madam Chair, Commissioner Holian, yes, there is a water restriction on the plat as a quarter acre-foot.

COMMISSIONER HOLIAN: And the applicant is proposing to put a home where a second family would live on a single lot, correct?

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

COMMISSIONER HOLIAN: Thank you.

CHAIR VIGIL: Further questions? Seeing none, and the applicant is here, does the applicant care to address the Commission on this? Is anyone else going to testify? Everyone that's going to speak to the Commission would you please stand up, raise your hands and be sworn in.

[Those wishing to speak were placed under oath.]

CHAIR VIGIL: You may approach. Please state your name and address for the record.

DOREEN GARCIA: I just wanted to say that I'm going to interpret for Jesus Garcia.

CHAIR VIGIL: Very good. Thank you very much. He can bring forth testimony right now.

[As translated by Doreen Garcia] JESUS GARCIA-SOLIS: My name is Jesus Garcia. He resides right now at 6151 Airport Road. It's been 3 ½ years that him and his brother purchased 1 Corte Gracia in La Cienega. He just said when they purchased the property, him and his brother, before they purchased it they asked him if they were able to put more than one dwelling or house, mobile home, on the property, and they told him yes. His brother put his mobile home first on the property. So his brother of course put his mobile home first and Jesus decided to wait a while because of money problems. He didn't have enough – he wanted to make more money to be able to put a mobile home on the property, since they were told both of them could put two dwellings on the property.

My husband and myself, which is his brother, actually my husband came to ask him to go ahead with the process of getting the building permits and all that and asked if they were able to put another dwelling unit on that property and they did check and they told him yes, so I came in and I proceeded with the application and everything we needed to do to get the permits.

We proceeded with the applications, with everything that was needed, we paid the fees. As the process was going along with the application he purchased a mobile home and went along with the septic tank, whatever he had to do to put the mobile home on the property. He thinks that because of the error that – a couple weeks after we did the applications and everything, he bought a mobile home, did all the process of the septic tank and everything and before the two weeks we were called in and said that they had denied the application for the building permit and he says because of their error he doesn't think that it's right for him to suffer all the costs that's had to do when all the process was done and the check that he gave to the permits and stuff, it went through and everything. Everything was done. Then after they told him that he wasn't able to put two dwellings on the one property after he went through all that and purchased the mobile home and everything, thinking that it was okay, when they told him it was fine to do that.

He's just saying the last time he was here they talked a lot about the well, the size of the property and the amount of water that is able to be used. He says the trees that are there are the only trees that are going to be around his part of the property. He's not planning to plant any trees or anything. It's just him, his wife and his little girl that are going to be living in that mobile home and that's it. As Wayne was reading a while ago he said there were five properties for the one well; there's only four properties, not five.

CHAIR VIGIL: I do have some questions. Commissioner Stefanics, then Commissioner Holian.

COMMISSIONER STEFANICS: Thank you, Madam Chair. Could you clarify who he went to apply for permits with?

: Here at the County? We came here to the County – you want the name of the person?

COMMISSIONER STEFANICS: No. Okay. Could I then ask staff to kind of clarify this whole situation with the permits and whether or not he was not told at the beginning? Could I understand more about the process?

MS. COBAU: Madam Chair, Commissioner Stefanics, I believe the applicant spoke with Caleb Mente who is our permit counter staff who takes in applications, and the key word here is applications. It doesn't infer an approval. The application is then sent through a process where various members of staff review the case for compliance to different portions of the code. An application doesn't infer approval and the fee is to cover the process of reviewing that application.

CHAIR VIGIL: Does he understand this or can you summarize it for him.

[Ms. D. Garcia translated for Mr. Garcia]

COMMISSIONER STEFANICS: The next question, Madam Chair, is does he understand the La Cienega Ordinance prohibits second dwellings even with community water?

MR. GUERRERORTIZ: Now he does, but before, he didn't.

[Ms. D. Garcia translated for Mr. Garcia]

MR. GUERRERORTIZ: Before he didn't know but he's hearing and after all this –

COMMISSIONER STEFANICS: Okay. So Madam Chair, are we to believe that when they bought the property, the owner of the property is the one that said they could have two homes there.

MR. GUERRERORTIZ: Yes. That's the reason why they bought it together. Or else they wouldn't have bought it, together to have a piece of property. Like right now, that's vacant for no use at all.

COMMISSIONER STEFANICS: Thank you, Madam Chair. I'll have some questions for staff later on.

CHAIR VIGIL: Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Madam Chair. Well, I think that was more or less my question but I guess I'll ask it again. Who told Mr. Solis that he could have two homes on there? Was it anybody other than the former owner of the property?

[Ms. D. Garcia translated for Mr. Garcia]

MR. GUERRERORTIZ: Yes, and his name is Sam Valencia.

COMMISSIONER HOLIAN: And nobody else told him that?

MR. GUERRERORTIZ: No.

COMMISSIONER HOLIAN: Thank you.

CHAIR VIGIL: Further questions for the applicant.

COMMISSIONER ANAYA: Madam Chair.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, question for Wayne. The development, the subdivision was approved in 2005, 11 units, and in 2010 they added an additional three units for a total of 14 units, and that was just in July of this past year?

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

COMMISSIONER ANAYA: And then associated with that subdivision plat – I was at the CDRC when this case was heard as well, but the subdivision plat had covenants associated with the subdivision in addition to the La Cienega Ordinance as well. Is that correct? Are there covenants in the plat? They talked about it. It's in the minutes where they talk about covenants. I think it was you, Shelley, that was talking about it during the CDRC meeting.

MS. COBAU: If you look on page 27. It's Exhibit G in your packet. On the right hand side of the notes and conditions that were recorded with the plat and that includes a subdivision disclosure statement, and covenants are item 11. And they're all the notes regarding no guesthouses, water restrictions, are all clearly there on the first page of the plat, which certainly should be included in the closing documents when someone purchases a piece of property.

CHAIR VIGIL: Would you explain to Mr. Solis that – and I'm happy to give you this. It should have been part of his closing documents that identify the covenants that explain what can and cannot be done. That's just what was summarized for us by staff.

[Ms. D. Garcia translated for Mr. Garcia]

CHAIR VIGIL: I think it was item 11, wasn't it Shelley, that explains that?

MS. COBAU: That's correct, Madam Chair. It's item 11 is the subdivision restrictions. Item 13 states that guesthouses are prohibited. And item 15 refers people to a disclosure statement.

CHAIR VIGIL: Would you restate that for him?

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[Ms. D. Garcia translated for Mr. Garcia]

MR. GUERRERORTIZ: I guess he's never seen this.

CHAIR VIGIL: What staff has testified to is that is very likely a document that was there when he closed, when he signed on the sale. I know there's a lot of documents to review, but that should be a part of his closing documents and he might just refer to them again to make sure.

[Ms. D. Garcia translated for Mr. Garcia]

CHAIR VIGIL: Is there anything else, Shelley, with that note? Any other questions for the applicant? Seeing none, would anyone else who's in favor of this like to address the Commission? Those of you who raised your hands may come forward and if you need an interpreter would you please stay there. You can address us now.

[Previously sworn, testified as follows:]

LORENA PEREZ: My nombre es Lorena Perez y mi direccion es 3 Corte Gracia. Yo vengo a favor de el porque yo pienso que deberian dejarle que ponga su trailer por tanto que el ya compro el trailer. Ya hizo su trámite. Yo pienso que le deban dejarle una oportunidad para que ponga su lugar de vivir.

CHAIR VIGIL: Bueno, Lorena. Dejeme ver.

[Ms. D. Garcia translated for Ms. Perez]

MR. GUERRERORTIZ: She thinks that he deserves the right to put his mobile home because of what happened. She just thinks that you should give him an opportunity to do it because of what happened and he did purchase his mobile home again and did everything and that's just a lot of money to waste. Again, I know this is a paper he should have had or read or went over and not just listened to a person, then again came over here and they told him, so he went on with the process. It's just hard when you think you investigate and everything and they tell you one thing and it's not true. She just thinks that he deserves an opportunity to put his mobile home on his property.

CHAIR VIGIL: Okay. Anything else? Algo mas?

MS. PEREZ: No.

CHAIR VIGIL: Bueno. Muchísimas gracias. Anyone else. Otros quieren hablar? Por favor danos tu nombre.

SERVANDO GARCIA SOLIS: My nombre es Servando Garcia Solis.

CHAIR VIGIL: Bueno. Por favor.

MR. S. GARCIA: Yo soy hermano de Jesus Garcia. Yo y él compramos juntos el lote.

MS. D. GARCIA (translating): He says, well, he is Jesus' brother and they both bought the property together.

MR. GARCIA: Yo puse el mobile home primero porque, pues yo tenía la oportunidad de ponerlo ese año.

MS. D. GARCIA (translating): He just said again, he purchased the mobile home and went on the property first because he was the one that had the money, the means to do it.

MR. S. GARCIA: Cuando compramos el lote nos dijeron que podíamos – que habia suficiente agua en ese lote y estaba una noria que estaba compartida para los cuatro lotes que estaban alli.

MS. D. GARCIA (translating): Just again, when they bought the property they were told that there was enough water, that there was a shared well on those properties.

MR. S. GARCIA: Nos dijeron tambien que podiamos poner dos viviendas alli.

MS. D. GARCIA (translating): Again, they were told that they were able to put two dwellings on the lot.

MR. S. GARCIA: Entonces, este año mi hermano decidio poner otra vivienda para vivir y yo me encargué aquí in el condado de los procesos de los papeles.

MS. D. GARCIA (translating): Just again, this year he finally decided that he would want to go ahead and proceed with putting a mobile home on the property and Servando is the one that came in again and investigated and asked in the front if they were able to put two dwellings on the property.

MR. S. GARCIA: Cuando yo vine aquí yo vine para – antes de hacer lo que hicimos con planos y todo yo vine y pregunté si yo podía poner un mobile home allí o no, y ellos me dijeron que sí.

MS. D. GARCIA (translating): When he came to the County to get the application for the building permit to put the mobile home in the property he asked first are we able to put a second dwelling on this property or no.

MR. S. GARCIA: Porque yo no queria hacer nada que me iban a negar, porque cuando me dijeron a mí que si, fue cuando yo empece a hacer planos, sacar permisos para el septic tank. Yo le dije a mi hermano que el podía ir compando un mobile home porque ya me han dicho que sí, va poder. No más que tenía que esperar 15 días que me dieran permiso.

MS. D. GARCIA (translating): Okay. So when he got the answer yes, that's when he started the process of the application and to pay for the permits for the septic tank and all that stuff. He's trying to say that again, he asked yes or no. He said they even, the guy, they looked on the plan, on the area of the lot and told him yes. The main thing that we're trying to get through is that's the hard part, that he asked, they looked, the guy looked, and they told him yes, so that's why he proceeded with all the costs and the permits and everything.

CHAIR VIGIL: Okay. I have a question.

COMMISSIONER MAYFIELD: Madam Chair, and I'm sorry, Mr. Solis, I thought I heard that staff told him that he had to wait 15 days.

MS. D. GARCIA (translating): Yes. That he would get the permit within 15 days. They told him that it would be 15 days when he got the permit after putting the application, bringing in the plans, paying the fee, everything for the permit, they said within 15 days they would call him for the permit.

COMMISSIONER MAYFIELD: Thank you.

MR. S. GARCIA: Porque si ellos no me habian dicho que yo no podía poner un mobile home alli, yo no hubiera hecho nada. Yo no más hubiera dicho a mi hermano que no se podía.

MS. D. GARCIA (translating): He said if they would have told him no, that he would have told his brother that they couldn't do it, that they could not put the second mobile home. But they told him yes, after checking, after going through the whole

process of everything, so that's the reason why his brother went on and bought the mobile home and did everything because he was told, yes.

CHAIR VIGIL: Okay.

MR.S. GARCIA: Y ahora, pues es duro para mí, como quedarme yo solo con el lote porque pues hicimos un acuerdo de pagar entre los dos y el lote lo estamos pagando los dos.

MS. D. GARCIA (translating): He's just saying that it's hard for him to pay, going to have to pay it alone because when he bought the property it was supposed to be between them two and they are paying it together.

CHAIR VIGIL: Okay.

[Duly sworn, Beverly Garcia testified as follows:]

BEVERLY GARCIA: My name is Beverly Garcia, and I live at 34-B South Paseo de Angel in La Cienega. Paseo de Angel is a 55-acre subdivision that's comprised of eighteen lots and we're situated immediately behind the property that is the subject of this hearing. And in the last – time flies, but I'm going to say that in last year to two years there have been lot splits in the two lots that are adjacent to the Garcia property. Both of them were for an additional dwelling, as I understand. But of the additional lots are now commercial horse establishments.

Right along Los Pinos Road there is a major arroyo behind what I'm calling the buildable portion of these lots. These commercial horse operations are operating within the arroyo that has been pretty severely cleared causing major erosion problems. They were already existing before the lot splits but it's worsened severely.

CHAIR VIGIL: Ms. Garcia, could I ask you just to stop so that the interpreter could at least summarize what you've said so far for the applicants so that they have an understanding of the hearing process. The interpreter, would you –

MS. B. GARCIA: Would you like me to tell him in Spanish? I'd be glad to.

CHAIR VIGIL: Beverly, yes.

[Ms. B. Garcia translated her remarks for the benefit of the applicants.]

MS. B. GARCIA: It's been a major concern to us because when all of us in my subdivision used to be able to eat outside they no longer can. This summer I finally enclosed the whole back portal with screen so that I could eat outside, because you can just no longer do it. There is so many flies from all the horses. What I myself have observed on one of the subdivided lots is a huge edifice down there where a trailer that can carry like about eight horses drives in there and then they unload like eight horses in that place. There's activity that takes place – I don't know if they walk the horses within the lot, but this thing is huge.

But there are horses trailers going and coming all the time. Other neighbors have told me that they hear machinery running in there at night. Something that sounds like welding. We do not know what's going on within the interior of those. I have called the County on several occasions. Most of the neighbors from the 18 homes have called here. The whole operation still continues. Staff is very – almost like trained to say, yes, we've received this complaint. We know it. Everything's done according to code. They can run that operation there. Horses are allowed. And I say, wait a minute. Those aren't horses on a residential lot. These are commercial operations, and it's like it falls on deaf ears.

CHAIR VIGIL: Could you restate that for the applicant?

[Ms. B. Garcia translated her remarks for the benefit of the applicants.]

MR. DALTON: Madam Chair.

CHAIR VIGIL: Yes.

MR. DALTON: The property that Mrs. Garcia is referring to, the applicants don't even own that piece of property.

MS. B. GARCIA: Right. It's immediately adjacent to them. I tried to make clear. He's correct. He's correct. Now, getting to the instant property, it is my belief that this is a ruse to do the same thing with their lot, to subdivide it, again, not for a dwelling but to expand the horse operations that are taking place within the arroyo. I for one would sure like to see what this property that is held in both their names. I'd like to see some piece of paper that shows that indeed they bought that second mobile home. Something more than just these statements that are here to really show good faith. If this is a good faith application that's one thing, but I have reason to believe that it's not a good faith application, and on that basis I ask that this be denied. I think that we have lot splits for certain reasons and hardship conditions are there for very, very valid reasons. I just don't think this is one of them. There's a lot that just doesn't jibe here for me and if you find that you want to grant this then I would strongly suggest that you impose some conditions and one is if there is going to be a dwelling unit placed there that you identify what the building envelope is for it, and find, first of all, that there is indeed a buildable lot left there, in view of the size of that arroyo. Where would they place that mobile home?

I think that that –

CHAIR VIGIL: We have a question, Ms. Garcia.

COMMISSIONER ANAYA: Ms. Garcia, I appreciate your feedback and on that other issue I look forward to talking with you more on that because I already had a conversation with Mr. Martinez about the other issue. But on the point of the current request, if there was a condition placed that the – all the things you said. If the mobile home was purchased, if it was only utilized for that second resident, maybe even if there was a condition that if they had livestock they could only have one.

MS. B. GARCIA: None, because there wouldn't be any room left for it. You'd have two homes now, in this limited area, a quarter acre of water, and now they're going to put – and the thing is, with these horses going in there, no one's saying where the manure goes, when it goes, how they – it's out of control on Los Pinos. Nobody's enforcing anything. It's like really Wild West out there right now.

COMMISSIONER ANAYA: So, Madam Chair, Ms. Garcia, if it was a condition of no livestock, and if it was a condition that they would hold the property for a minimum of five years, maybe longer, would that be something that you believe would be fair?

MS. B. GARCIA: I would because I think it would establish whether or not this application is really being made in good faith. You might find that the application will go away.

COMMISSIONER ANAYA: Thank you, Madam Chair. I'd like to hear more comments. Thank you.

CHAIR VIGIL: Okay. Were you able to interpret her? Okay. Thank you very much. Next. Please state your name and address for the record.

[Duly sworn, Louie Martinez testified as follows:]

LOUIE MARTINEZ: Yes. My name's Louie Martinez and I live right next door. My address is 04 South Paseo de Angel. I live right next door to these people over here. And it's been my concern since they started putting those trailers in and so forth like this in being given the arroyo as big as it is and the amount of property that faces up in the places that they had to go ahead build those homes. How could so many homes or so many trailers be put on in those teeny little properties right there?

And then now with the arroyo, okay, they have the property right there. It's a teeny little property for two trailers. The thing about it is, who's got the access to go down into the arroyo. It goes right in between that property. The thing about it is if there's an ordinance, let's follow it. Let's not make exceptions as so forth like this. I know it's hard times. I know the conditions are rough.

CHAIR VIGIL: Can we interpret what you've said so far?

MR. MARTINEZ: Okay.

CHAIR VIGIL: Are you able to interpret or –

MR. MARTINEZ: Yes. I know how to –

CHAIR VIGIL: Very well.

[Mr. Martinez translated his remarks.]

CHAIR VIGIL: Okay, would you continue with your testimony?

MR. MARTINEZ: And the thing about it is, if we have the ordinances, fine. Let's follow them. It's sad and it's a sad situation like I said. I just went through one of them. I just lost \$12,000 on one of the insurance that I had, a bad investment. But you learn. And I mean there's nothing you can do about it. There's nothing that insurance is going to give me back, other than we're sorry, hey, live with it. And that's the way I feel. And if we have ordinance out there, let's follow them. Let's not go ahead and say, well, this one can get away with this. Well, we can go ahead and do this. Let's give this one a little break over there. Let's go ahead and give another one over here.

Fine. But right there, the way those houses are and as close as they are. I mean, look at it. All you have to do is go over there and look at it. That's what I'm telling everyone and that's what I tell everyone. Go look at it. Then you'll give me the answer. Then you tell me if I'm right or if I'm wrong. I'm very fortunate that I got the upper place where the arroyo is far away from me and mine is all on flat land. I only have one little trunk right there and in fact I asked the County Commissioners – I mean not the County Commissioners. I asked the County when Oliver Garcia was upstairs, I told him can I go ahead and fill that arroyo right there, so I can make a drive-through right-of-way? I said [inaudible] the road right to my house and I wouldn't have to use Paseo de Angel.

What was I told? You will not mess around with any arroyos. You cannot cover anything up.

CHAIR VIGIL: Could you summarize from the insurance up to the arroyos?

[Mr. Martinez translated his remarks.]

CHAIR VIGIL: Okay, if you're ready to summarize. Are you done?
Thank you very much. Next.

[Duly sworn, Louise Martinez testified as follows:]

LOUISE MARTINEZ: Louise Martinez, 04 South Paseo de Angel. I'll try to make this quick, because I know everyone's tired because I am.

CHAIR VIGIL: Thank you.

MS. MARTINEZ: I understand how you've heard concerns regarding the corrals and stuff but that's from another property; it's not from them. But I also understand Ms. Garcia's concerns saying that she's not sure if this permit is in good faith because – and I only know this because this winter I found some puppies roaming around and I literally – in the winter, when we had the bad snow. So I went looking for homes, and they told me that they were related to these other people, that one of the homeowners that has the corrals there was their uncle.

So that does kind of make me skeptical that more horses are going to be in there. And right now, the horses – and granted again, I know it's not them, but those horses that are allowed to run free. You can come onto our property. We have no horses. I have Chihuahuas. If you come onto our property and you can see piles of horse manure. We had solar lights that go around our driveway that have been broken. As early as this morning our next door neighbor, who was unable to be here because she works in Los Alamos, the horses were there and they were going and getting the horses from there. You see hoof prints all the way up to my vehicle. And I'm afraid that more of the same thing is going to happen if another dwelling is put there.

CHAIR VIGIL: Okay. Can we get that interpreted?

MS. MARTINEZ: I don't speak Spanish.

CHAIR VIGIL: Okay are you able to summarize that?

[Ms. D. Garcia translated for Mr. Garcia]

CHAIR VIGIL: Okay. You can proceed.

MS. MARTINEZ: So I sympathize with Mr. Solis-Garcia on the permit issue and buying the mobile home and purchasing that but I worked in enforcement. I've had to get permits in the past before too and maybe it was a language barrier; I don't know. But I think it's kind of common knowledge no matter where you go that if you're asking for permission to do something you need to wait until you're told yes, you can before you go out and start doing everything and incurring all these costs upon yourself.

CHAIR VIGIL: Would you interpret that please?

[Ms. D. Garcia translated for Mr. Garcia]

MS. MARTINEZ: And that's pretty much all I have to say. I'm just not in favor of this. And also their acreage, again I agree – I don't think it's large enough. Granted, it's 2.53 acres, but I think part of that acreage is in the arroyo so I'm not sure how the dwelling – if it will fit another mobile home. I don't know because part of the covenant, the way I understood it is you can't have a single-wide out there, and I'm not sure if it would be able to sustain like a double-wide or a modular home or anything like that. I'm not a contractor; I'm not sure but that's my opinion. Thank you.

CHAIR VIGIL: Thank you. Did you want to summarize that for them?

[Ms. D. Garcia translated for Mr. Garcia]

CHAIR VIGIL: Okay. Thank you very much. Questions? Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Madam Chair. I have some questions of staff. This rings similar to some past cases we've had where there's been

some misunderstandings in purchases of land and expectations of what can happen on the land. From looking at the map it seems that there might be a precedent for other mobile homes to be on small lots and having more than one. Is that correct?

MS. COBAU: Madam Chair, Commissioner Stefanics, we have had applications come in in the Por su Gracia Subdivision for land divisions, one on the south side of Paseo de Angel and it was denied about four or five years ago. And one on the north side of Paseo de Angel, which I don't believe was part of the Por su Gracia Subdivision. It was adjacent to it. It was a gentleman named Joseph Albilar who was originally denied because he didn't have all-weather access, and then subsequent to the bridge being built on Paseo de Angel he did an administrative land division.

The land divisions that are occurring outside this previously approved subdivision unless they come to you. They can come forward and ask for a land division in a previously approved subdivision but staff cannot administratively grant one. It's the same. We see them all the time in that subdivision on the other side of 599, Pinon Hills. It's the same.

COMMISSIONER STEFANICS: So, Madam Chair, Wayne, have you been out there for site visits?

MR. DALTON: Madam Chair, Commissioner Stefanics, yes, I have been to this property.

COMMISSIONER STEFANICS: Besides this property, in the area, the question I'm asking you is have you seen double residences on properties that you think are too small?

MR. DALTON: In this immediate vicinity, in this particular subdivision, no. Outside of the subdivision, I have seen properties about an acre and a quarter with two mobile homes on them.

COMMISSIONER STEFANICS: Okay. So the next question is, Shelley or Wayne, what's the situation on these horses and the arroyo?

MR. DALTON: Madam Chair, Commissioner Stefanics, we have received those complaints about these horses in the arroyo. One being the barns. The barns are permitted with Santa Fe County and the horses.

COMMISSIONER STEFANICS: Barns are permitted in an arroyo?

MR. DALTON: No, no. Yes, the barns are permitted in the arroyo. They're inhabitable structures so they can be permitted in the floodplain. So those barns were permitted with our office and we don't regulate livestock on one's property. The actual property owner, the arroyo runs in his property. So we have gone out there and looked at that property and have not found any violation.

COMMISSIONER STEFANICS: Thank you, Madam Chair.

CHAIR VIGIL: Okay. I need to actually before I take – let everyone know that this closes the public hearing. Did you want to – you'll have to come up. I'll give one opportunity for the opponent and then one opportunity for the opponent. You need to come up to the microphone and address this.

MR. MARTINEZ: I would just like to show you just one picture and then you tell me how right they are.

CHAIR VIGIL: While he's locating the picture would the proponents like to make a statement.

MR. J. GARCIA: Bueno, primero, yo pienso que 2.5 acres es suficiente terreno para dos mobile homes.

MS. D. GARCIA (translating): He's saying that he thinks that 2.5 acres is enough property for two dwellings, two mobile homes.

MR. J. GARCIA: No se porque están hablando de caballos. Yo no tengo que ver con los caballos. En mi propiedad hay solamente un mobile home y yo invito a los senores que puedan ir y ver que hay solamente un mobile home.

MS. D. GARCIA (translating): Okay. He's saying he doesn't know why they're saying anything about horses, that on his property they only thing right now is a mobile home and anybody that would like to go over there and look they're more than happy to do so.

MR. J. GARCIA: Y quiero aclarar que por mi propiedad no corre el arroyo. Es plano. No corre el arroyo.

MS. D. GARCIA (translating): That on his property that the arroyo doesn't pass through it. It doesn't pass through his property.

CHAIR VIGIL: Anything else?

MS. D. GARCIA (translating): That's it.

CHAIR VIGIL: Okay. I'll pass this down if you want to wait at the other end.

COMMISSIONER MAYFIELD: Madam Chair, may I ask a question.

CHAIR VIGIL: Please go right ahead. We have a question here.

COMMISSIONER MAYFIELD: Madam Chair, thank you. This is a question for the applicant. So the second mobile home has already been purchased and is already on the property or there's just one mobile home that's on the property?
[inaudible]

COMMISSIONER MAYFIELD: Thank you.

CHAIR VIGIL: Mr. Martinez, so that we can get that on the record would you go to the podium. Mr. Martinez. Just describe for us what you're showing and I'd also like you to show that to the applicants.

MR. MARTINEZ: What I'm showing right over here is right in the bottom of the arroyo, right at the bottom of their place. There is two big barns right there. There is a walker to train the horses. There is also that stable right there where they keep the horses where the horses keep on getting on. Those are the ones that keep on going into our place. There is a pile of manure on the other side. I don't know how many time a week, a month or what they take out.

CHAIR VIGIL: Okay.

MR. MARTINEZ: But you can see it right there.

CHAIR VIGIL: Would you show it to the applicants?

MR. J. GARCIA: Pero eso no es mi terreno.

CHAIR VIGIL: Mr. Martinez, we're allowing you the opportunity to show that to us. Have you finished?

MR. MARTINEZ: Okay, yes. I showed it to them and [inaudible] because they see it every day.

CHAIR VIGIL: Okay.

MR. MARTINEZ: And that's, you know. But saying that – if this is allowed the day that flooding was there, to top that off what really concerns me is my well is just a ways from right there. That is the whole key issue that I'm here. My well is right there and it's going to get contaminated.

CHAIR VIGIL: You may just mention that to the applicants. Thank you very much, Mr. Martinez. The public hearing is now closed and with that are there any other questions? What's the pleasure of the Commission? Commissioner Mayfield, and then Commissioner Holian.

COMMISSIONER MAYFIELD: Madam Chair, a question for Mr. Dalton. You went out and looked at adjacent property. Is this a commercial horse operation? Do you know? Is it just an individual who has some horses?

MR. DALTON: Madam Chair, Commissioner Mayfield, I myself didn't go out to that property with the horse barns on it; my inspector did. And what he relayed to me was there was no commercial operation being conducted on that property and there were no other violations. Myself and Shelley will go out to that property on Friday and conduct an inspection ourselves and see if there is indeed any violations on that property.

But that property has nothing to do with this request being heard before you tonight.

COMMISSIONER MAYFIELD: Thank you, Mr. Dalton.

CHAIR VIGIL: Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Madam Chair. I'm ready to make a motion.

CHAIR VIGIL: Proceed.

COMMISSIONER HOLIAN: I do feel for you. I feel that there was a huge communication problem, but on the other hand I also believe that it is a bad precedent to set to allow two homes on a lot which actually is limited to a quarter acre-foot per year. That is really only enough for one home. So therefore I move to deny CDRC Case V 11-5200.

CHAIR VIGIL: I have a motion to deny the case. Is there a second?

COMMISSIONER STEFANICS: I'll second.

CHAIR VIGIL: I have a motion and a second. Further discussion?

COMMISSIONER ANAYA: Madam Chair.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, given everything that was said today, does staff have any other alternatives to suggest to the Commission other than denial?

MS. COBAU: Madam Chair, Commissioner Anaya, there really isn't any other solution for this applicant other than if they want to have a piece of property that they divide, this isn't the one. They could construct an accessory structure on the property, but because the plat precludes guesthouses it could only have a kitchen or a bath, not both. Anything that they put on the property has to be sprinklered. I don't know if they read the plat to understand that but there's some pretty substantial deterrents to this property being shared by two homes.

CHAIR VIGIL: Can you interpret the motion and the question in summary?

[Ms. D. Garcia translated for Mr. Garcia]

MS. COBAU: There can be an accessory structure but it can't have a kitchen and a bath. It can have a kitchen or a bath, but it can't have both.

CHAIR VIGIL: Question, Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, is there a limitation on the size of the structure that can be built on this parcel?

MS. COBAU: An accessory structure exceeding 2,000 square feet –

COMMISSIONER ANAYA: Not an accessory structure, just a –

MS. COBAU: No.

COMMISSIONER ANAYA: Thank you, Madam Chair.

CHAIR VIGIL: I have a motion and a second. Do you have any further discussion, Commissioner Stefanics?

COMMISSIONER STEFANICS: Yes, Madam Chair. One of the cases that Commissioner Anaya's question kind of lent itself to what I was remembering. We had a case, and you might want to tell them about this later, where somebody bought the property and thought that they could build multiple homes for the extended family. And what they can do is build a large home that adjoins two wings, or take the mobile home and add on to it or something like that. But we've had situations like this where there were major misunderstandings in buying the property. And it was the language barrier. It was also not knowing that when you buy something you have laws and you don't know that when you buy it.

CHAIR VIGIL: Okay. I have a motion and a second.

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

COMMISSIONER ANAYA: Madam Chair.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, tough case. Hardship for the families and I just want to make a public comment associated with this case and other cases is that I'm an advocate of where we can and where there's not as stringent of requirements under subdivisions for families to be able to have the opportunity to split their land. I just want to make that unequivocally clear and I just want people that are here and maybe those that might be listening to understand that it gets more complicated when there are actual subdivisions that have gone through a process at the County.

This one recently had a change in 2010. But I also think based on some of the language barrier issues that we as a County need to be more pro-active about communications to the realtors and others when we can to make sure that as best we can they convey the information that's necessary and contained within plats to the public. We've got to figure something out. This isn't the first time this has come forward. It won't be the last. But a tough vote to take but I think if staff could maybe put your heads together with the Manager, Legal and others we've got to figure out a better way to try and communicate to the public so that they can get information that's bilingual that people can understand and try and avoid these circumstances. Thank you, Madam Chair.

CHAIR VIGIL: Thank you.

XV. ADJOURNMENT

Having completed the agenda and with no further business to come before this body, Chairwoman Vigil declared this meeting adjourned at 10:45 p.m.


Approved by:


Board of County Commissioners
Virginia Vigil, Chairwoman



VALERIE ESPINOZA
SANTA FE COUNTY CLERK

Respectfully submitted:


Karen Farrell, Wordswork
453 Cerrillos Road
Santa Fe, NM 87501

Santa Fe County - Coast2Coast Rx Card

- ✓ 59,000+ participating pharmacies including all major chains and most independents
- ✓ Over 60,000 drugs included in formulary
- ✓ Savings up to 75% on brand name & generics
- ✓ Savings of up to 55% on an annual basis
- ✓ Card is good for an entire family
- ✓ Cardholder pays no fees for the card
- ✓ No paperwork to fill out - card is ready to use
- ✓ There are no health, age or income restrictions; everyone qualifies
- ✓ Card has no expiration date and can be used as often as needed
- ✓ Card can be used to fill pet prescriptions at participating pharmacies
- ✓ Card is primarily for uninsured although insureds can use the card if they have a high deductible
- ✓ Insureds can use the card if their drug isn't covered by their insurance
- ✓ In some instances the card can be used during the Medicare Part D "donut hole."
- ✓ Cardholder information is held confidential and is not used for any other purpose.
- ✓ The card includes 50%-80% discounts on lab and imaging tests
- ✓ The card includes discounts on dental, vision and hearing with savings up to 60% off

Santa Fe County - Coast2Coast Rx Card Frequently Asked Questions

What is it?

- The Santa Fe County discount prescription card program helps consumers save money on their prescription medications if their prescriptions aren't covered by insurance.
- The free cards are distributed by the Santa Fe County in conjunction with Coast2Coast Rx and may be used locally and nationwide at any participating retail pharmacy nationwide.
- The discount card is not intended to replace insurance.
- The card includes discounts on dental, vision, hearing, lab & imaging

How much will people save?

- Savings average 45-55% annually.
- Discounts may be higher or lower, depending on the drug and quantity purchased.
- Over 60,000 brand name and generic drugs available under the program.

Who can use the card?

- All county and non-county residents regardless of age, income or existing health coverage may use the cards.
- There are no enrollment forms, no membership fees or restrictions on the frequency of use.
- Cardholders and family members may use the card any time their prescriptions are not covered by insurance.
- Most pet prescriptions can be purchased with the card

Is there a Website for information about the card?

- Information is available at the Santa Fe County's Website.
- Information also is available from the Coast2Coast Rx Card web site: www.coast2coastrx.com; to print a card, go to www.coast2coastrx.com/SantaFe

Can a health insurance prescription card be used at the same time with the Coast2Coast Rx Card?

- Only one card can be used when filling a prescription.
- If a prescription is not covered under a health insurance plan, the Coast2Coast Rx Card may be used to obtain a discount.



Does everyone qualify to use the card?

- Anyone over the age of 18 may use the card.
- A parent or guardian can get discounts on prescriptions for dependents who are under the age of 18 years.

Are there limits on usage?

- A cardholder and their family may use the card as often as needed.
- Family members include all dependents, including grandchildren.

What does a cardholder pay?

- The cardholder pays the negotiated discount price or a pharmacy's retail price – whichever is lower.
- There are no charges or fees for the card.

What if the cardholder is a Medicare Part D participant?

- Due to a gap in Medicare coverage, Medicare participants may pay up to \$1,500 per year in out-of-pocket costs.
- The card may help Medicare participants save on their prescriptions while in the "donut hole."

Which pharmacies participate?

- More than 59,000 pharmacies nationwide accept the card, including all chain pharmacies and most independents.
- Most pharmacy locations serve as pick-up locations for the card
- Go www.coast2coastrx.com to search for pharmacies in the network and locations where the card may be picked up.
- Residents may also print a card from the website.

Who issues the card?

- Financial Marketing Concepts, Inc., Ponte Vedra Beach, Florida owner of the Coast2Coast Rx Card, administers the program.

Is information confidential?

- Cardholder information remains confidential and is not resold to a third-party for any reason.

**Santa Fe County Discount Drug Card
Participating Pharmacies
Coast 2 Coast RX Card**

09/07/11

3210111	SMITH'S PHARMACY #424 7064	2B HIGHWAY 344	EDGEWOOD	NM	87015-6849	(505) 286-9040
3210894	WALGREENS #7881	5 WALKER RD	EDGEWOOD	NM	87015-8740	(505) 281-0950
3211579	WAL-MART PHARMACY #4201	86 STATE RD 344	EDGEWOOD	NM	87015	(505) 286-3053
3209005	MEDICAP PHARMACY	7 AVENIDA VISTA GRANDE STE B-8	ELDORADO	NM	87508-9199	(505) 466-8008
3207354	WALGREENS #5157	1115 N RIVERSIDE DR	ESPANOLA	NM	87532-2802	(505) 753-6993
3209891	WAL-MART PHARMACY #102656	1610 N. RIVERSIDE DRIVE	ESPANOLA	NM	87533	(505) 747-0427
3207556	FAIRVIEW PHARMACY	734 N, RIVERSIDE DRIV	ESPANOLA	NM	87532	(505) 753-2209
3211264	CVS PHARMACY #9263	511 W CORDOVA RD	SANTA FE	NM	87505-1843	(505) 983-5546
3211288	CVS PHARMACY #9269	195 PASEO DE PERALTA	SANTA FE	NM	87501-1857	(505) 982-8787
3200653	DEL NORTE PHCY & HOME MED	1691 GALISTEO ST	SANTA FE	NM	87505-4780	(505) 988-9797
3205944	FRASER MED-CENTER PHARMACY	1676 HOSPITAL DRIVE	SANTA FE	NM	87505-0306	(505) 983-4359
3208914	KIVA PHARMACY INC	159 PASEO DE PERALTA	SANTA FE	NM	87501-1857	(505) 982-9550
3205730	KMART PHARMACY #3301	1712 ST MICHAELS DRIVE	SANTA FE	NM	87501	(505) 471-7823
3204358	NAMBE UNITED DRUGS	70 CITIES OF GOLD ROAD	SANTA FE	NM	87506-0936	(505) 455-2256
3211000	PHARMACA INTEGRATIVE PHARMACY	530 W CORDOVA RD STE-B	SANTA FE	NM	87505-1844	(505) 820-7467
3210868	SAM'S CLUB PHARMACY #106408	4201 RODEO RD	SANTA FE	NM	87505	(505) 471-0152
3209500	SAV-ON PHARMACY/ALBERTSONS	3542 ZAFARANO DR	SANTA FE	NM	87507-2606	(505) 471-2914
3210666	SAV-ON PHARMACY/ALBERTSONS #927	600 N GUADALUPE ST	SANTA FE	NM	87501-1456	(505) 982-4806
3209485	SAV-ON PHARMACY/ALBERTSONS #987	3001 S SAINT FRANCIS DR	SANTA FE	NM	87505-6964	(505) 992-8638
3210022	SMITH' S PHARMACY #461 7064	2308 CERRILLOS RD	SANTA FE	NM	87505-3264	(505) 471-7874
3210539	SMITH'S PHARMACY #491 7064	2110 PACHECO	SANTA FE	NM	87501	(505) 473-5563
3211719	SOUTHWEST CARE CENTER	649 HARKLE RD STE-C	SANTA FE	NM	87505	(505) 989-8154
3200108	WALGREENS #2900	1096 S SAINT FRANCIS DR	SANTA FE	NM	87505-1654	(505) 982-4643
3209221	WALGREENS #3934	3298 CERRILLOS RD	SANTA FE	NM	87507-2925	(505) 474-3523
3210654	WALGREENS #6346	525 W ZIA RD	SANTA FE	NM	87505-6910	(505) 820-0913
3207075	WAL-MART PHARMACY	3251 CERRILLOS RD	SANTA FE	NM	87505	(505) 473-4261

For More Information:

Marie Garcia : (505)-992-9841 (SF County)
 Member Services: (800)-931-8872
 Pharmacy Help Desk: (888)-886-5822

Prepaid Lab/Imaging Discounts: (800)-903-3921
 Pharmacy Locator : www.coast2coastrx.com
 Coast2Coast Rx Card LLC : (800)-931-8872



**Santa Fe County
Free Discount Prescription Card**

- Save up to 75% on prescriptions
- Individuals or families can use
- 60,000 participating pharmacies including all chain pharmacies and most independents
- Ready to use with no limits on usage
- Use immediately with no paper work to fill out
- No health restrictions -- Everyone is accepted
- No fee ever charged for the card
- No expiration date
- Save on brand and generic drugs
- Covers drugs not covered in health plans
- Covers many pet prescriptions
- Save up to 60% for your family's dental needs; an average of 10% to 50% on vision and hearing needs and 50%-80% on lab & imaging tests. Pre-payment for lab & imaging tests is required. Give the group number (below) at time of service for all of these benefits.

Dental: www.dentemax.com or 1-877-536-0689

Vision: www.outlookvision.com or 1-800-342-7188

Hearing: www.newportaudiology.com 1-855-489-6434

Prepaid Lab: www.coast2coast.prepaidlab.com and

Prepaid Imaging: www.coast2coast.prepaidimaging.com
or call -- 1-800-903-3921

Go to www.coast2coastrx.com for more information on all benefits and to print out a card, search for a provider and see FAQs.
Website has 48 languages available.

Coast2Coast Rx Card - Santa Fe County

Name: _____

Member ID: Use customer's 10-digit phone # or any 10-digit number.

Note: add 01, 02, or 03 for primary, spouse and dependents after 10 digit #. (Example: 12345678901)

Processor NetCardSystems/RxWest

BlIn#: 008878

Group#: SANTAFE

Pharmacy Help Desk: 1-888-886-5822

Coverage: Individual & Family PBM is WellDyneRX

THIS PLAN IS NOT INSURANCE

Condado de Santa Fe

Tarjeta GRATIS de Recetas de Descuento

- Ahorre hasta 75% en todas sus recetas
- Se puede usar individualmente o como familia
- 60,000 farmacias participantes incluyendo todas las cadenas de farmacias y la mayoría de las farmacias independientes
- La tarjeta está lista para usarse y su uso no tiene límite
- Se puede usar inmediatamente sin tener que llenar ningún formulario
- No hay restricciones de salud – Todos son aceptados
- Nunca se cobra por usar la tarjeta
- No hay fecha de vencimiento
- Ahorra en medicamentos de patente y genéricos
- Incluye medicamentos que no cubre el plan médico de salud
- Incluye muchas recetas para mascotas

Ahorre hasta 60% en servicios dental para la familia; un promedio de 10% a 50% en visión y oído y 50%-80% en las pruebas de laboratorio e imagen. Se requiere que los exámenes de laboratorio e imagen sean pagados por adelantado. Dé el número de grupo anotado abajo al momento de recibir un servicio.

Dental: www.dentemax.com o 1-877-536-0689
Visión: www.outlookvision.com o 1-800-342-7188
Oído: www.newportaudiology.com o 1-855-489-6434
Laboratorio pagado por adelantado:
www.prepaidlab.coast2coast.com y
Imagen pagado de adelantado:
www.prepaidimaging.coast2coast.com
o llame a 1-800-903-3921

Vaya a www.coast2coastrx.com para más información acerca de todas los beneficios y para imprimir una tarjeta, buscar un proveedor y mire las FAQs.
Sitio Web cuenta con 48 idiomas disponibles.

Present this card and your prescription to any participating pharmacy. At the time of service you are responsible for payment of your prescriptions. This program is VOID WHERE PROHIBITED BY LAW. Coast2Coast Rx Card LLC Member Services: 1-800-931-8872
Provider Locator: www.coast2coastrx.com
Dental: 1-877-536-0689 Vision: 1-800-342-7188
Hearing: 1-855-489-6434
Prepaid Lab/Imaging Discounts: 1-800-903-3921



Description & Summary of Santa Fe County Redistricting Options

Introduction

The release of the 2010 Decennial Census data by the US Census Bureau for the State of New Mexico and Santa Fe County revealed that Santa Fe County's five (5) County Commissioner Districts must be adjusted in order to balance population as equally as possible among each of the five districts. Santa Fe County, with a total 2010 base population of 144,170 persons, ideally should have five (5) County Commissioner Districts composed of 28,834 persons per District (144,170/5). In the context of state and local districting, the Federal Courts have generally viewed population deviations of five percent or less between districts as substantially satisfying the equalized population requirement of "one person, one vote". Applied to Santa Fe County, this five percent allowable deviation translates to an allowance of +/- 1,442 people (5% of 28,834) per district. In other words, each proposed realigned Commissioner District should contain no more than 30,276 persons and no less than 27,392 persons (28,834 +/- 1,442).

An analysis of the current County Commissioner Districts with the 2010 Census population figures shows that Districts 1, 2 and 4 are under the ideal population of 28,834 persons, while Districts 3 and 5 are over this ideal population.

<i>Commissioner District</i>	<i>2010 Population per District</i>	<i>Deviation (max +/- 5%)</i>	
1	26,023	-2,811	-9.75%
2	28,164	-670	-2.32%
3	32,842	4,008	13.90%
4	26,045	-2,789	-9.67%
5	31,096	2,262	7.84%

Any redistricting scenarios/plans developed for consideration should adhere to the following basic principles of districting:

- Equal Population
- Avoid Dilution of Minority Voting Strength
- Compactness
- Contiguity
- Maintenance of Communities of Interest

The Santa Fe County Board of County Commissioners in reviewing this analysis and guided by these basic principles requested that several variations of redistricting plans be prepared. A narrative description of each of redistricting plans currently being considered by the Board is provided on the following pages. These current redistricting options are A, B1, C2, C3 and C4.

SFC CLERK RECORDED 10/26/2011

Description & Summary of Santa Fe County Redistricting Options

Option A

Redistricting Option A is a 'least change' option. This option attempts to balance the population between the five Districts by making the least changes possible to each District.

District 1 picks up one precinct (pct. 83) from District 2.

Additions:

Precinct 83 (Monte Sereno/Tano Road/La Tierra/Las Dos areas) from District 2

East: St. Francis/US 84/285

North: Tesuque Pueblo

West: Camino la Tierra/Fin del Sendero/Lluvia de Oro/Paseo de Aguila/Alamo Creek/Paseo de la Tierra/Calle Adelina

South: NM 599

Deletions:

None

District 2 picks up one precinct (pct. 67) from District 3 and loses three precincts, one to District 1 (pct. 83) and two to District 4 (pcts. 44 & 45).

Additions:

Precinct 67 (Las Acequias area) from District 3

East: Lopez Lane

North: Agua Fria Street

West: Jemez Road

South: Airport Road

Deletions:

Precinct 83 (Monte Sereno/Tano Road/La Tierra/Las Dos areas) to District 1
(described above in District 1)

Precincts 44 & 45 (South Capitol area) to District 4

East: Old Pecos Trail

North: Buena Vista Street/Don Gaspar/West Santa Fe Avenue/Paseo de Peralta

West & South: South Guadalupe/Cerrillos Road/Early Street/Calle Grillo/Adela/Don Cubero/Lomita/Coronado/Don Gaspar/East Lupita.

District 3 loses one precinct (pct. 67) to District 2.

Additions:

None

Deletions:

Precinct 67 (Las Acequias area) to District 2
(described above in District 2)

District 4 picks up three precincts, two from District 2 (pcts. 44 & 45) and one from District 5 (pct. 29).

Additions:

Precincts 44 & 45 (South Capitol area) from District 2
(described above in District 2)

Precinct 29 (Villa Caballero/Las Estancias area) from District 5

East: St. Francis Drive

North: Rodeo Road

West: Camino Carlos Rey

South: I-25

Description & Summary of Santa Fe County Redistricting Options

Deletions:
None

District 5 loses one precinct (pct. 29) to District 4.

Additions:
None

Deletions:
Precinct 29 (Villa Caballero/Las Estancias area) to District 4
(described above in District 4)

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Description & Summary of Santa Fe County Redistricting Options

Option B1

Redistricting Option B1 is a variant of a redistricting scenario that attempted to equalize, or at least normalize, the urban (incorporated) vs. rural (unincorporated) populations while still preserving the 'core constituencies' of each District.

District 1 picks up five precincts west of St. Francis (pcts. 20, 21, 24, 25 & 33) from District 2, and loses three precincts (pcts. 9, 30 & 36) to District 4.

Additions:

Precincts 20, 21, 24, 25 & 33 (Piñon Ridge/Casa Solana/Barrio la Cañada/Alto Park/Hickox Street areas) from District 2

East: St. Francis

North: NM 599

West: Buckman Road/Paseo de Vistas/Rincon de Torreon/north bank of the Santa Fe River/Alejandro Street/Agua Fria Street/Baca Street

South: Cerrillos Road

Deletions:

Precincts 9, 30 & 36 (Aspen Basin/Hyde Park Estates/Cerro Gordo/Gonzales Road/East Palace Avenue/Capitol areas) to District 4

East: San Miguel County

North & West: NM 475 - Hyde Park Road/Artist Road

West: Otero Street/Paseo de Peralta/Washington/Water Street/West Alameda/South Guadalupe

South: Paseo de Peralta/West Santa Fe Avenue/Don Gaspar/Buena Vista Street/Arroyo Tenorio/Garcia Street/East Alameda/Santa Fe River

District 2 picks up two precincts (pcts. 64 & 67) from District 3, and loses eight precincts; five to District 1 (pcts. 20, 21, 24, 25 & 33) and three to District 4 (pcts. 43, 44 & 45).

Additions:

Precincts 64 & 67 (Las Acequias/Fairway Village/County Club Gardens MHP/Tierra Real areas) from District 3

East: Lopez Lane

Northwest: Agua Fria Street

South: Airport Road

Deletions:

Precincts 20, 21, 24, 25 & 33 (Piñon Ridge/Casa Solana/Barrio la Cañada/Hickox Street areas) to District 1

(described above in District 1)

Precincts 43, 44 & 45 (South Capitol/West Cordova Road areas) to District 4

East: Old Pecos Trail

North: Buena Vista Street/Don Gaspar/West Santa Fe Avenue/Paseo de Peralta

West: South Guadalupe/Cerrillos Road

South: Alta Vista/Galisteo/East Cordova/Don Gaspar/East Lupita

District 3 picks up one precinct (pct. 75) from District 5 and loses two precincts (pcts. 64 & 67) to District 2.

Additions:

Precinct 75 (Camino Entrada/Jaguar Drive area) from District 5

East: Cerrillos Road

North: Airport Road

West: Paseo del Sol

Description & Summary of Santa Fe County Redistricting Options

South: Ocate Road

Deletions:

Precincts 64 & 67 (Las Acequias/Fairway Village/County Club Gardens MHP/Tierra Real areas) to District 2
(described above in District 2)

District 4 picks up seven precincts, three from District 1 (pcts. 9, 30 & 36), three from District 2 (pcts. 43, 44 & 45) and one from District 5 (pct. 63); and loses three precincts (pcts. 35, 50 & 76) to District 5.

Additions:

Precincts 9, 30 & 36 (Aspen Basin/Hyde Park Estates/Cerro Gordo/Gonzales Road/East Palace Avenue/Capitol areas) from District 1
(described above in District 1)

Precincts 43, 44 & 45 (South Capitol/West Cordova Road areas) from District 2
(described above in District 2)

Precinct 63 (Lamy/Spirit Wind Ranch/East 285 Corridor/Old Ranch/East Ranch/The Ridges/Los Vaqueros /West Cañoncito areas) from District 5

Southeast: BNSF Railroad

North: I-25

West: US 285

Deletions:

Precincts 35, 50 & 76 (College of Santa Fe/Los Cedros areas) to District 5

East: Yucca/Siringo Road/Llano Street/St. Michaels Drive

North: Cerrillos Road

West: Camino Carlos Rey

South: Rodeo Road

District 5 picks up three precincts (pcts. 35, 50 & 76) from District 4 and loses two precincts, one to District 3 (pct. 75) and one to District 4 (pct. 63).

Additions:

Precincts 35, 50 & 76 (College of Santa Fe/Los Cedros areas) from District 4
(described above in District 4)

Deletions:

Precinct 75 (Camino Entrada/Jaguar Drive area) to District 3
(described above in District 3)

Precinct 63 (Lamy/Spirit Wind Ranch/East 285 Corridor/Old Ranch/East Ranch/The Ridges/Los Vaqueros /West Cañoncito areas) to District 4
(described above in District 4)

Note: The guiding underlying approach for the “B” options – *to equalize the urban (incorporated) vs. rural (unincorporated) populations between Districts* – proved to be problematic. In order to achieve this goal, major changes to the existing Districts would have been needed. This is largely due to District 1 having as its ‘core’ a majority unincorporated population (Pojoaque & Santa Cruz valleys) and District 4 having a minority unincorporated population with nowhere to expand into unincorporated areas without severely altering its neighboring Districts.

SFC CLERK RECORDED 10/26/2011

Description & Summary of Santa Fe County Redistricting Options

Option C2

Redistricting Option C2 is a variant of a redistricting scenario that strives to use predominately major roads & visible features (e.g., rivers, railroads) as district boundaries.

District 1 picks up four precincts west of St. Francis (pcts. 20, 21, 25 & 83) from District 2, and loses two precincts (pcts. 9 & 36) to District 4.

Additions:

Precincts 20, 21, 25 & 83 (Monte Sereno/Tano Road/La Tierra/Las Dos/Piñon Ridge/Casa Solana/Alto Park areas) from District 2

East: St. Francis/US 84/285

North: Tesuque Pueblo

West: Calle Adelina/Paseo de la Tierra/Alamo Creek/Paseo de Aguila/Lluvia de Oro/Fin del Sendero/Camino la Tierra/Buckman Road/Paseo de Vistas/Rincon de Torreon/north bank of the Santa Fe River/Camino Alire

South: Agua Fria Street

Deletions:

Precinct 9 (Aspen Basin/Hyde Park Estates/Cerro Gordo/Valle Lejano areas) to District 4

East: San Miguel County

North & West: NM 475 - Hyde Park Road/Gonzales Road

South: East Alameda/Santa Fe River

Precinct 36 (Capitol area) to District 4

East: Old Santa Fe Trail/Arroyo Tenorio/Garcia Street/Canyon Road/Paseo de Peralta

North: East Alameda/West Alameda

West: South Guadalupe

South: Paseo de Peralta/West Santa Fe Avenue/Don Gaspar/Buena Vista Street

District 2 picks up two precincts (pcts. 64 & 67) from District 3, and loses seven precincts; four to District 1 (pcts. 20, 21, 25 & 83) and three to District 4 (pcts. 43, 44 & 45).

Additions:

Precincts 64 & 67 (Las Acequias/Fairway Village/County Club Gardens MHP/Tierra Real areas) from District 3

East: Lopez Lane

Northwest: Agua Fria Street

South: Airport Road

Deletions:

Precincts 20, 21, 25 & 83 (Monte Sereno/Tano Road/La Tierra/Las Dos/Piñon Ridge/Casa Solana/Alto Park areas) to District 1

(described above in District 1)

Precincts 43, 44 & 45 (South Capitol/West Cordova Road areas) to District 4

East: Old Pecos Trail

North: Buena Vista Street/Don Gaspar/West Santa Fe Avenue/Paseo de Peralta

West: South Guadalupe/Cerrillos Road

South: Alta Vista/Galisteo/East Cordova/Don Gaspar/East Lupita

District 3 picks up one precinct (pct. 75) from District 5 and loses two precincts (pcts. 64 & 67) to District 2.

Additions:

Precinct 75 (Camino Entrada/Jaguar Drive area) from District 5

East: Cerrillos Road

Description & Summary of Santa Fe County Redistricting Options

North: Airport Road
West: Paseo del Sol
South: Ocate Road

Deletions:

Precincts 64 & 67 (Las Acequias/Fairway Village/County Club Gardens MHP/Tierra Real areas) to District 2
(described above in District 2)

District 4 picks up six precincts, two from District 1 (pcts. 9 & 36), three from District 2 (pcts. 43, 44 & 45) and one from District 5 (pct. 63); and loses three precincts (pcts. 35, 50 & 76) to District 5.

Additions:

Precincts 9 & 36 (Aspen Basin/Hyde Park Estates/Cerro Gordo/Valle Lejano/Capitol areas) from District 1

(described above in District 1)

Precincts 43, 44 & 45 (South Capitol/West Cordova Road areas) from District 2

(described above in District 2)

Precinct 63 (Lamy/Spirit Wind Ranch/East 285 Corridor/Old Ranch/East Ranch/The Ridges/Los Vaqueros /West Cañoncito areas) from District 5

Southeast: BNSF Railroad

North: I-25

West: US 285

Deletions:

Precincts 35, 50 & 76 (College of Santa Fe/Los Cedros areas) to District 5

East: Yucca/Siringo Road/Llano Street/St. Michaels Drive

North: Cerrillos Road

West: Camino Carlos Rey

South: Rodeo Road

District 5 picks up three precincts (pcts. 35, 50 & 76) from District 4 and loses two precincts, one to District 3 (pct. 75) and one to District 4 (pct. 63).

Additions:

Precincts 35, 50 & 76 (College of Santa Fe/Los Cedros areas) from District 4
(described above in District 4)

Deletions:

Precinct 75 (Camino Entrada/Jaguar Drive area) to District 3
(described above in District 3)

Precinct 63 (Lamy/Spirit Wind Ranch/East 285 Corridor/Old Ranch/East Ranch/The Ridges/Los Vaqueros /West Cañoncito areas) to District 4

(described above in District 4)

SFC CLERK RECORDED 10/26/2011

Description & Summary of Santa Fe County Redistricting Options

Option C3

Redistricting Option C3 is a variant of a redistricting scenario that strives to use predominately major roads & visible features (e.g., rivers, railroads) as district boundaries.

District 1 picks up four precincts west of St. Francis (pcts. 20, 21, 25 & 83) from District 2, and loses two precincts (pcts. 27 & 36) to District 4.

Additions:

Precincts 20, 21, 25 & 83 (Monte Sereno/Tano Road/La Tierra/Las Dos/Piñon Ridge/Casa Solana/Alto Park areas) from District 2

East: St. Francis/US 84/285

North: Tesuque Pueblo

West: Calle Adelina/Paseo de la Tierra/Alamo Creek/Paseo de Aguila/Lluvia de Oro/Fin del Sendero/Camino la Tierra/Buckman Road/Paseo de Vistas/Rincon de Torreon/north bank of the Santa Fe River/Camino Alire

South: Agua Fria Street

Deletions:

Precinct 27 & 36 (Capitol/Westside Guadalupe areas) to District 4

East: Old Santa Fe Trail/Arroyo Tenorio/Garcia Street/Canyon Road/Paseo de Peralta

North: East Alameda/West Alameda

West: St. Francis Drive

South: Cerrillos Road/South Guadalupe/Paseo de Peralta/West Santa Fe Avenue/Don Gaspar/Buena Vista Street

District 2 picks up two precincts (pcts. 64 & 67) from District 3, and loses seven precincts; four to District 1 (pcts. 20, 21, 25 & 83) and three to District 4 (pcts. 43, 44 & 45).

Additions:

Precincts 64 & 67 (Las Acequias/Fairway Village/County Club Gardens MHP/Tierra Real areas) from District 3

East: Lopez Lane

Northwest: Agua Fria Street

South: Airport Road

Deletions:

Precincts 20, 21, 25 & 83 (Monte Sereno/Tano Road/La Tierra/Las Dos/Piñon Ridge/Casa Solana/Alto Park areas) to District 1

(described above in District 1)

Precincts 43, 44 & 45 (South Capitol/West Cordova Road areas) to District 4

East: Old Pecos Trail

North: Buena Vista Street/Don Gaspar/West Santa Fe Avenue/Paseo de Peralta

West: South Guadalupe/Cerrillos Road

South: Alta Vista/Galisteo/East Cordova/Don Gaspar/East Lupita

District 3 picks up one precinct (pct. 75) from District 5 and loses two precincts (pcts. 64 & 67) to District 2.

Additions:

Precinct 75 (Camino Entrada/Jaguar Drive area) from District 5

East: Cerrillos Road

North: Airport Road

West: Paseo del Sol

Description & Summary of Santa Fe County Redistricting Options

South: Ocate Road

Deletions:

Precincts 64 & 67 (Las Acequias/Fairway Village/County Club Gardens MHP/Tierra Real areas) to District 2
(described above in District 2)

District 4 picks up six precincts, two from District 1 (pcts. 27 & 36), three from District 2 (pcts. 43, 44 & 45) and one from District 5 (pct. 63); and loses three precincts (pcts. 35, 50 & 76) to District 5.

Additions:

Precincts 27 & 36 (Capitol/Westside Guadalupe areas) from District 1
(described above in District 1)

Precincts 43, 44 & 45 (South Capitol/West Cordova Road areas) from District 2
(described above in District 2)

Precinct 63 (Lamy/Spirit Wind Ranch/East 285 Corridor/Old Ranch/East Ranch/The Ridges/Los Vaqueros /West Cañoncito areas) from District 5

Southeast: BNSF Railroad

North: I-25

West: US 285

Deletions:

Precincts 35, 50 & 76 (College of Santa Fe/Los Cedros areas) to District 5

East: Yucca/Siringo Road/Llano Street/St. Michaels Drive

North: Cerrillos Road

West: Camino Carlos Rey

South: Rodeo Road

District 5 picks up three precincts (pcts. 35, 50 & 76) from District 4 and loses two precincts, one to District 3 (pct. 75) and one to District 4 (pct. 63).

Additions:

Precincts 35, 50 & 76 (College of Santa Fe/Los Cedros areas) from District 4
(described above in District 4)

Deletions:

Precinct 75 (Camino Entrada/Jaguar Drive area) to District 3
(described above in District 3)

Precinct 63 (Lamy/Spirit Wind Ranch/East 285 Corridor/Old Ranch/East Ranch/The Ridges/Los Vaqueros /West Cañoncito areas) to District 4

(described above in District 4)

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Description & Summary of Santa Fe County Redistricting Options

Option C4

Redistricting Option C4 is a variant of a redistricting scenario that strives to use predominately major roads & visible features (e.g., rivers, railroads) as district boundaries. This particular variant, however, actually has one District (District 4) crossing Cerrillos Road just west of the St. Francis/Cerrillos intersection.

District 1 picks up three precincts west of St. Francis (pcts. 20, 21 & 25) from District 2, and loses one precinct (pct. 36) to District 4.

Additions:

Precincts 20, 21 & 25 (Piñon Ridge/Casa Solana/Alto Park areas) from District 2

East: St. Francis/US 84/285

North: NM 599

West: Buckman Road/Paseo de Vistas/Rincon de Torreon/north bank of the Santa Fe River/Camino Alire

South: Agua Fria Street

Deletions:

Precinct 36 (Capitol area) to District 4

East: Old Santa Fe Trail/Arroyo Tenorio/Garcia Street/Canyon Road/Paseo de Peralta

North: East Alameda/West Alameda

West: South Guadalupe

South: Paseo de Peralta/West Santa Fe Avenue/Don Gaspar/Buena Vista Street

District 2 picks up two precincts (pcts. 64 & 67) from District 3, and loses seven precincts; three to District 1 (pcts. 20, 21 & 25) and four to District 4 (pcts. 33, 43, 44 & 45).

Additions:

Precincts 64 & 67 (Las Acequias/Fairway Village/County Club Gardens MHP/Tierra Real areas) from District 3

East: Lopez Lane

Northwest: Agua Fria Street

South: Airport Road

Deletions:

Precincts 20, 21 & 25 (Piñon Ridge/Casa Solana/Alto Park areas) to District 1
(described above in District 1)

Precincts 33, 43, 44 & 45 (Hickox Street/School for the Deaf/West Cordova Road/South Capitol areas) to District 4

East: Old Pecos Trail

North: Buena Vista Street/Don Gaspar/West Santa Fe Avenue/Paseo de Peralta/South Guadalupe/Cerrillos Road/St. Francis/Agua Fria Street

West: Baca Street

South: Alta Vista/Galisteo/East Cordova/Don Gaspar/East Lupita

District 3 picks up one precinct (pct. 75) from District 5 and loses two precincts (pcts. 64 & 67) to District 2.

Additions:

Precinct 75 (Camino Entrada/Jaguar Drive area) from District 5

East: Cerrillos Road

North: Airport Road

West: Paseo del Sol

South: Ocate Road

Description & Summary of Santa Fe County Redistricting Options

Deletions:

Precincts 64 & 67 (Las Acequias/Fairway Village/County Club Gardens MHP/Tierra Real areas) to District 2
(described above in District 2)

District 4 picks up six precincts, one from District 1 (pct. 36), four from District 2 (pcts. 33, 43, 44 & 45) and one from District 5 (pct. 63); and loses three precincts (pcts. 35, 50 & 76) to District 5.

Additions:

Precinct 36 (Capitol area) from District 1
(described above in District 1)

Precincts 33, 43, 44 & 45 (Hickox Street/School for the Deaf/West Cordova Road/South Capitol areas) from District 2
(described above in District 2)

Precinct 63 (Lamy/Spirit Wind Ranch/East 285 Corridor/Old Ranch/East Ranch/The Ridges/Los Vaqueros /West Cañoncito areas) from District 5

Southeast: BNSF Railroad

North: I-25

West: US 285

Deletions:

Precincts 35, 50 & 76 (College of Santa Fe/Los Cedros areas) to District 5

East: Yucca/Siringo Road/Llano Street/St. Michaels Drive

North: Cerrillos Road

West: Camino Carlos Rey

South: Rodeo Road

District 5 picks up three precincts (pcts. 35, 50 & 76) from District 4 and loses two precincts, one to District 3 (pct. 75) and one to District 4 (pct. 63).

Additions:

Precincts 35, 50 & 76 (College of Santa Fe/Los Cedros areas) from District 4
(described above in District 4)

Deletions:

Precinct 75 (Camino Entrada/Jaguar Drive area) to District 3
(described above in District 3)

Precinct 63 (Lamy/Spirit Wind Ranch/East 285 Corridor/Old Ranch/East Ranch/The Ridges/Los Vaqueros /West Cañoncito areas) to District 4

(described above in District 4)

Description & Summary of Santa Fe County Redistricting Options

Option Summaries

Option A – Summary & Observations

Total Deviation: 2,264 persons or 7.9%

Urban vs. Rural Range: 45.9% (D5) to 75.2% (D4) with D1 46.8%, D2 72.4%, D3 57.6%

Observations:

- Total deviation rather high but within +/- 5%; District 1 at -4.4%
- Widens Urban vs. Rural range – lowers lowest ratio & raises highest ratios
- Growth Accommodation:
 - District 1 – very poor; -4.4% under ideal & likely to be stable population
 - District 2 – poor; 3.5% over ideal & likely to grow
 - District 3 – good; -3.5% under ideal & likely to grow
 - District 4 – OK; 1.6% over ideal & likely to be stable population
 - District 5 – poor; 2.4 % over ideal & likely to grow

Option B1 – Summary & Observations

Total Deviation: 1,249 persons or 4.3%

Urban vs. Rural Range: 47.8% (D5) to 71.8% (D4) with D1 52.6%, D2 68.4%, D3 58.2%

Observations:

- Total deviation is relatively low; highest deviation is District 4 at +2.5% (+707)
- Urban-Rural – Districts 1 & 3 improve; Districts 2, 4 & 5 minimal change
- Growth Accommodation: option achieves projected growth accommodation as Districts 2, 3 & 5 (containing SDA1 areas) are under ideal population while Districts 1 & 4 are over ideal population & likely to be stable over next 10 years
 - District 1 – good; 1.8% over ideal & likely to be stable population
 - District 2 – OK; -1.2% under ideal & likely to grow
 - District 3 – OK; -1.9% under ideal & likely to grow
 - District 4 – good; 2.5% over ideal & likely to be stable population
 - District 5 – OK ; -1.2 % under ideal & likely to grow

Option C2 – Summary & Observations

Total Deviation: 1,335 persons or 4.6%

Urban vs. Rural Range: 47.8% (D5) to 72.0% (D2) with D1 50.5%, D3 58.2%, D4 70.6%

Observations:

- Total deviation is relatively low; highest deviation is District 1 at +2.8% (+793)
- Urban-Rural – Districts 1 & 3 improve; District 2 slight urban increase (2%), District 4 slight urban decrease (1.5%), District 5 minimal change
- Growth Accommodation: option achieves *limited* projected growth accommodation as Districts 3 & 5 (containing SDA1 areas) are under ideal population while District 1 is over ideal population & likely to be stable over next 10 years. Districts 2 & 4 have population deviations inverted, albeit slightly, from anticipated growth.
 - District 1 – good; 2.8% over ideal & likely to be stable population
 - District 2 – fair; 1.9% over ideal & likely to grow
 - District 3 – OK; -1.9% under ideal & likely to grow
 - District 4 – fair; -1.6% under ideal & likely to be stable population
 - District 5 – OK ; -1.2 % under ideal & likely to grow

Description & Summary of Santa Fe County Redistricting Options

Option C3 – Summary & Observations

Total Deviation: 1,119 persons or 3.9%

Urban vs. Rural Range: 47.8% (D5) to 72.0% (D2) with D1 50.1%, D3 58.2%, D4 70.8%

Observations:

- Total deviation is lowest of all options; highest deviation is District 1 at +2.0% (+577)
- Urban-Rural – Districts 1 & 3 improve; District 2 slight urban increase (2%), District 4 slight urban decrease (1.3%), District 5 minimal change
- Growth Accommodation: option achieves *limited* projected growth accommodation as Districts 3 & 5 (containing SDA1 areas) are under ideal population while District 1 is over ideal population & likely to be stable over next 10 years. Districts 2 & 4 have population deviations inverted, albeit slightly, from anticipated growth.
 - District 1 – OK; 2.0% over ideal & likely to be stable population
 - District 2 – fair; 1.9% over ideal & likely to grow
 - District 3 – OK; -1.9% under ideal & likely to grow
 - District 4 – fair; -0.9% under ideal & likely to be stable population
 - District 5 – OK ; -1.2 % under ideal & likely to grow

Option C4 – Summary & Observations

Total Deviation: 1,354 persons or 4.7%

Urban vs. Rural Range: 47.8% (D5) to 70.6% (D4) with D1 52.6%, D2 69.6%, D3 58.2%

Observations:

- Total deviation is relatively low; highest deviation is District 2 at +2.8% (+812)
- Urban-Rural – Districts 1 & 3 improve; District 2 slight urban increase (1.6%), District 4 slight urban decrease (1.5%), District 5 minimal change
- Growth Accommodation: option achieves *limited* projected growth accommodation as Districts 3 & 5 (containing SDA1 areas) are under ideal population while District 1 is over ideal population & likely to be stable over next 10 years. Districts 2 & 4 have population deviations inverted, albeit slightly, from anticipated growth.
 - District 1 – OK; 1.8% over ideal & likely to be stable population
 - District 2 – poor; 2.8% over ideal & likely to grow
 - District 3 – OK; -1.9% under ideal & likely to grow
 - District 4 – fair; -1.6% under ideal & likely to be stable population
 - District 5 – OK ; -1.2 % under ideal & likely to grow

SFC CLERK RECORDED 10/26/2011

Santa Fe County FY 2013 - 2017 Infrastructure and Capital Improvements Plan (ICIP)

Second Public Hearing - 13 September 2011

List of Potential Projects

District 1

Project Description

	<i>Estimated Project Cost</i>	<i>Commission District</i>
Acequia de Baranco Blanco - Jacona- Improve Diversion	\$50,000	1
Agricultural Revitalization Institute Community Farm Center Proposal	\$1,000,000	1
Arroyo Alamo West Drainage Improvements	\$1,000,000	1
Chupadero Substation/Tesuque Volunteer Fire Dept - install fire hydrant	\$50,000	1
Chupadero Water System - Install additional 20,000 gal. storage tank, refurbish existing tank	\$59,566	1
CR 101 B - resurface	\$247,900	1
CR 113 - improvements (river crossing)	\$300,000	1
CR 115 low-water crossing	\$350,000	1
CR 78 improvements-resurface	\$332,900	1
CR 84 - Signage and speed bumps bewteen 249 and 317	\$30,000	1
CR 84 - speed bumps	\$20,000	1
CR 84 - Tesuque Creek Crossing- Drainage Improvements	\$25,000	1
CR 89 - improvements (parking)	\$50,000	1
CR 89 B - Feather Catcher Rd - drainage, paving and erosion control improvements	\$357,612	1
CR 89E - Feather Rd - drianage, paving and erosion control improvements	\$889,501	1
CR 94 - Canada Ancha - Arroyo Salado improvements	\$30,000	1
CR 98 - Construction	\$1,550,000	1
CR 98 - guard rail and safety fencing	\$50,000	1
Cundiyo Community Center - additional parking	\$200,000	1
Cuatro Villas Water Line to Sombrillo Elementary School	\$500,000	1
Cuatro Villas/Greater Chimayo - Water Systems Interconnection	\$250,000	1
Greater Chimayo Water System Improvements Water Storage Tank	\$250,000	1
NM 592 - Safety improvements - Separation of traffic lanes	\$50,000	1
North County Area - community wellness center	\$1,500,000	1
Pojoaque Valley Regional Wastewater System - interconnection to non-tribal areas	\$1,500,000	1
Sombrillo/Arroyo Seco - wastewater collection line/lift station	\$10,500,000	1
Tesuque MDWA - water system improvements	\$1,587,810	1
Vista Redonda County Roads - base course and chip seal	\$626,500	1
All Projects - District 1	\$23,356,789	

District 2

<i>Project Description</i>	<i>Estimated Project Cost</i>	<i>Commission District</i>
ADD area - feasibility study - sewer system	\$100,000	2
Agua Fria - Community Garden and Flood Control Project	\$100,000	2
Agua Fria - connect community to municipal sewer (AF Phase II and III sections)	\$1,000,000	2
Agua Fria - connect community water system to Buckman direct diversion	\$1,000,000	2
Agua Fria - Drainage Plan to include catchment ponds versus storm drains	\$25,000	2
Agua Fria - Equestrian loop - ROW and improvements	\$150,000	2
Agua Fria - Green recycling facility in Village	\$250,000	2
Agua Fria - Pedestrian access and crossings between Park and community center along CR 62	\$250,000	2
Agua Fria - River Improvements-Bank Stabilization- Sewer Line Protection	\$250,000	2
Agua Fria - Roundabout at Henry Lynch Road	\$200,000	2
Agua Fria - Roundabout at Prairie Dog Loop and CR62	\$250,000	2
Agua Fria Park	\$1,000,000	2
Agua Fria Park Road - base course	\$20,000	2
Agua Fria Road - shelters at bus stops	\$150,000	2
Agua Fria Road - solar driver feedback signs	\$100,000	2
Agua Fria Senior Center	\$1,500,000	2
Agua Fria Water System Upgrades and Water Rights	\$1,500,000	2
Camino La Tierra - Chip Seal/Slurry Seal	\$750,000	2
Camino La Tierra - mailbox turnout/extend lane taper	\$50,000	2
CR 104 - Chip Seal	\$67,200	2
CR 62 - Chip Seal	\$231,200	2
Food Depot - new warehouse/facilities	\$3,652,197	2
La Junta del Alamo - HMA paving and drainage	\$98,400	2
La Tierra Roads - Chip seal 4 miles of County roads in La Tierra subdivision	\$500,000	2
Utilities-District 2 Water Buckman By-Pass Water Improvements	\$870,000	2
Utilities-Zone 6 Main along NM599 (Design/Construction)	\$2,000,000	
Lopez Lane Wastewater System Improvements	\$150,000	2
Lopez Lane/Rufina - R-O-W acquisition for left turn lane	\$100,000	2
Pinon Hills - chip seal	\$527,650	2
Puesta del Sol - chip seal	\$420,000	2
Siler Road - noise barrier with tree planting	\$65,000	2
South Meadows Road - Water/Wastewater Improvements (e.g. MN 599 to CR # 62)	\$625,000	2
Tres Arroyos Trails System - ROW and improvements for connectivity	\$150,000	2
All Projects - District 2	\$18,101,647	

District 3**Project Description**

	Estimated Project Cost	Commission District
Calle Victoriano - base course (5.0 mi.)	\$328,100	3
Camino La Capilla Vieja - drainage improvements (1mile), clear and fence staging area	\$225,000	3
Cerrillos Community Center and Park	\$1,500,000	3
CR 12 B - improvements-chip seal	\$595,000	3
CR 16A / Jaymar Road - chip seal (4.45 mi.)	\$462,000	3
CR 20B - Base Course	\$808,000	3
CR 26 / Simmons Road - Base Course	\$629,000	3
CR 2B - HMA Paving and drainage	\$176,700	3
CR 42 - Galisteo from rr to village -- traffic calming	\$30,000	3
CR 45 - repave from Lone Butte to I-25	\$2,000,000	3
CR 50 / Paeo C'de Baca - reclaim and repave	\$365,880	3
CR 50 A / Camino San Jose - road improvements	\$334,782	3
CR 50 F - Asphalt Overlay	\$371,300	3
CR 55 - paving improvements at intersection of NM Hwy 14	\$15,000	3
CR 55 A - improvements-repair & drainage	\$3,000,000	3
CR 56 - improvements-repair & drainage	\$250,000	3
Edgewood WWTP/Collection system	\$100,000	3
Entrada La Cienega - guard rail, bank stabilization, repairing, and drainage	\$750,000	3
Galisteo - regional trail network development	\$2,000,000	3
La Bajada - Water storage tank and welll improvements	\$250,000	3
La Cienega - park and trail master planning	\$150,000	3
La Cienega - supplemental well upgrades	\$100,000	3
La Cienega - W. Frontage and Las Estrellas - repair intersection	\$50,000	3
La Cienega - Utilities-Wastewater System Feasibility	\$120,000	3
La Cienega-Utilities-Wastewater System Design	\$230,000	3
La Cienega Community Center - land acquisition	\$500,000	3
La Cieneguilla - Community Park	\$75,000	3
Los Pinos Road - low water crossing	\$500,000	3
Madrid MDWA - additional water rights (study) and wastewater system (study)	\$100,000	3
Mutt Nelson Road - Chip Seal	\$119,500	3
La Cienega - Los Pinos Spine Water Line Loop-Phase 1	\$1,731,000	3
La Cienega-Miscellaneous Water Line Extensions (e.g.Paseo C'de Baca)	\$500,000	3
Stanely Youth Agricultural and Wellness Center	\$2,500,000	3
Stanley Fire Station - equipment & improvements	\$250,000	3
Upper La Cienega - Los Pinos Road Spine Water Line Loop-Pahse 2	\$1,500,000	3
Upper La Cienega -Wastewater collection system Improvements	\$1,500,000	3
Water Line Improvements - Pressure Zone 5 and RV Reservoir	\$1,240,000	3
All Projects - District 3	\$25,356,262	

District 4**Project Description**

	Estimated Project Cost	Commission District
Arroyo Hondo Trail	\$1,000,000	4
Arroyo Hondo Trail - bridge	\$1,000,000	4
Camino Pacifico - chip seal	\$103,500	4
Camino Sudeste - chip seal	\$66,000	4
Camino Tetzcocho - chip seal	\$72,000	4
Canoncito Water System Project	\$5,510,000	4
Cerros Cantando Sub - road improvements	\$340,000	4
County Road 51 - road improvements (1st mile, chip seal; 3 miles basecourse)	\$286,700	4
County Road 60 / Nine Mile Rd - road improvements-repair	\$396,631	4
County Road 63 - grading and base course	\$107,600	4
CR 63 C - Chip Seal	\$27,200	4
Glorieta East MDWCA - Water System Improvements (Storage and Distribution)	\$685,000	4
Glorieta Estates - acquire ROW /improve (fire station road and road to post office)(0.5 mi.)	\$1,500,000	4
Glorieta Estates - Road improvements (Ponderosa, Pine Have Drive, Raven Tree Road and Pop Challee)	\$500,000	4
Glorieta Estates MDWCA - Water System Improvements (e.g. New Well and Connection to Village of Glorieta a	\$1,595,000	4
Utilities-Ellis Ranch Tank and Water Lines	\$2,200,000	
Glorieta Area - Regional water system planning to include Village of Glorieta, Glorieta Estates, Glorieta East and surrounding areas	\$100,000	4
Village of Glorieta - Wastewater Collection/Treatmetn Improvements	\$1,500,000	4
La Barbaria - Road improvements-Grading and Road widening	\$416,000	4
Old Santa Fe Trail - road improvements / ROW acquisition	\$350,000	4
Paseo del Pinon - Chip Seal	\$109,500	4
Puye Road - chip seal (0.69 mi.)	\$92,500	4
Toltec Road - chip seal (0.3 mi.)	\$44,500	4
All Projects - District 4	\$18,002,131	

District 5**Project Description**

	<i>Estimated Project Cost</i>	<i>Commission District</i>
Avenida Azul - bike path (approx. 1.7mi)	\$550,000	5
Avenida Buena Ventura - paving and drainage (0.23 mi)	\$149,000	5
Avenida de Amistad - asphalt (0.5 mi.)	\$253,400	5
Avenida De Amistad - paved bike path	\$45,000	5
Avenida Eldorado - bike path extension (aprox. 0.8 mi.)	\$80,000	5
Balsa Road - chip seal	\$152,500	5
Bike access from Hwy 14 to Railrunner	\$500,000	5
Cedar, Willow, Oak, N. Pinon, Juniper - base course and culverts	\$500,000	5
Cochiti East Road and Cochiti West Road - improvements (1 mi.)	\$125,000	5
CR 33 - improvements-resurface	\$606,500	5
El Dorado Community Ball Park - improvements	\$500,000	5
El Dorado to Commuity College trail	\$1,000,000	5
Eldorado Area Teen center - plan, design, construct, and equip	\$1,500,000	5
Eldorado Water and Sanitation District - Well and Maintenance Building	\$1,000,000	5
Eldorado Water and Sanitation District - Water Storage Improvements	\$300,000	5
Encantado Road - chip seal (1.5 mi.)	\$158,500	5
Fonda Road - chip seal (0.4 mi.)	\$56,100	5
Frasco Road - chip seal	\$59,700	5
Herrada Road - asphalt surface (1.91 mi.)	\$788,700	5
Hidalgo Court - road improvements	\$103,000	5
I-25 and Rabbit Road area - Wastewater System Improvements-Design	\$325,000	5
I-25 and Rabbit Road area - Water/Wastewater System Improvements-Construction	\$275,000	5
Ken & Patty Adams Senior Center - expansion	\$520,000	5
Monte Alto Rd - bike path	\$100,000	5
North Fork Road - paving (0.25 mi.)	\$152,000	5
Richards Avenue - Bike Lanes & Lighting Improvements	\$500,000	5
Richards Avenue - Expansion to Four Lanes	\$2,000,000	5
Richards Avenue - Remove Signal & Install Roundabout	\$500,000	5
San Marcos - study to evaluate roads-upgrade/maintain	\$100,000	5
Sandia Road - easement (0.05 mi.)	\$50,000	5
Southeast Connector - phase I (East Chili line to Rabbit Road)	\$2,500,000	5
Spruce - chip seal	\$100,000	5
SR 14 - Public Safety Complex to NM 599 - road improvements	\$1,500,000	5
Sunset Trail East and Sunset Trail West - base course and easements	\$200,000	5
Torcido Loop - drainage and road improvements	\$405,050	5
Verano Loop - reclaim and chip seal (2.0 mi.)	\$180,418	5
Vista Grande Library - expansion	\$1,420,000	5
All Projects - District 5	\$19,254,868	

Countywide/County Facility Projects

<i>Project Description</i>	<i>Estimated Project Cost</i>	<i>Commission District</i>
Santa Fe County - Additional Vehicles for Solid Waste	\$800,000	all
Santa Fe County - Animal control vehicles (\$40,000/each x 2)	\$80,000	all
Santa Fe County - Corrections - Adult - enhance and repair security and fencing	\$500,000	all
Santa Fe County - Corrections - Adult - mental health unit -- renovate fencing, railings	\$250,000	all
Santa Fe County - Corrections - Adult - relocate/renovate it server room and add equipment for all facility controls	\$1,000,000	all
Santa Fe County - Corrections - Adult - remodel office & public space for bails bonds & electronic monitoring	\$500,000	all
Santa Fe County - Corrections - Adult - renovation of cells at adult medical facility, replace sliders	\$1,000,000	all
Santa Fe County - Corrections - Adult - repair & upgrade perimeter lighting	\$1,250,000	all
Santa Fe County - Corrections - Adult - replace boilers in facility(4)	\$300,000	all
Santa Fe County - Corrections - Adult - replace control panel doors & camera	\$700,000	all
Santa Fe County - Corrections - Youth - perimeter lighting	\$750,000	all
Santa Fe County - Corrections - Youth - repair and upgrade plumbing at youth facility	\$1,000,000	all
Santa Fe County - Corrections - Youth - repair control panel	\$600,000	all
Santa Fe County - Corrections - Youth - replace single-sink commodes related to plumbing	\$800,000	all
Santa Fe County - Corrections - Youth - safety improvements to recreation yard -- landscaping/paving	\$1,000,000	all
Santa Fe County - Corrections - Youth - slider repair	\$200,000	all
Santa Fe County - Corrections - Youth - upgrade and repair perimeter fencing at youth facility	\$500,000	all
Santa Fe County - Corrections - Youth - upgrade youth kitchen facility phase I	\$100,000	all
Santa Fe County - Countywide Facilities Improvements for Energy and Water efficiency	\$6,090,000	all
Santa Fe County - Edgewood Senoir Center - improvements	\$60,000	all
Santa Fe County - EOC - county mobile command unit (on-site incident management) county wide	\$500,000	all
Santa Fe County - Fire - countywide self contained breathing apparatus/personal protection equip/defib replacement	\$3,000,000	all
Santa Fe County - Fire - equipment (engines, ambulances, pumpers, water haulers, grass vehicles, rescue) county wide	\$5,000,000	all
Santa Fe County - Fire - Southern Regional Station	\$3,500,000	all
Santa Fe County - Fire - La Cienega Station 1 remodel	\$500,000	all
Santa Fe County - Fire - Stanley Station 2 - remodel	\$75,000	all
Santa Fe County - Fire - Pojoaque Station 1 - remodel volunteer area	\$100,000	all
Santa Fe County - Fire - Tesuque Station 1 - retaining wall	\$75,000	all
Santa Fe County - Fire - Training Center - addition	\$1,250,000	all
Santa Fe County - Fire - Glorieta Station 2 - new station construction	\$500,000	all
Santa Fe County - Fire - Madrid Station 1 - addition for training room	\$150,000	all
Santa Fe County - Fire - Tesuque Station 2 - remodel	\$60,000	all

Continued from previous page: Countywide/County Facility Projects

<i>Project Description</i>	<i>Estimated Project Cost</i>	<i>Commission District</i>
Santa Fe County - Fire - La Puebla Station 2 - remodel	\$60,000	all
Santa Fe County - Fire - Galisteo Station 1 - additional bay	\$100,000	all
Santa Fe County - Fire - Glorieta Station 1	\$60,000	all
Santa Fe County - Fire - Hondo Station 1 - remodel	\$150,000	all
Santa Fe County - Fire - Hondo Station 2 - new bedroom addition	\$200,000	all
Santa Fe County - Fire - La Cienega Station 2	\$50,000	all
Santa Fe County - Fire - Office remodel at Public Safety bldg	\$200,000	all
Santa Fe County - Fire - Turquoises trail Station 3 - remodel	\$85,000	all
Santa Fe County - Jacona Transfer Station - road construction	\$675,000	all
Santa Fe County - Madrid Ballpark Grandstands	\$200,000	all
Santa Fe County - Office space and storage -- operations and clerk/elections (20,000 sq. ft.)	\$3,000,000	all
Santa Fe County - Public Housing Sites Improvements	\$1,500,000	all
Santa Fe County - Public Works - acquire 2 acres of land in Eldorado area for office/staff fencing, road paving, and storage	\$1,000,000	all
Santa Fe County - Public Works - equipment (water trucks, graders, loaders, backhoes, dump trucks)	\$3,500,000	all
Santa Fe County - Public Works - Equipment Yard for Community College Area	\$500,000	all
Santa Fe County - Public Works - heavy vehicles (\$200,000 x 4)	\$800,000	all
Santa Fe County - Public Works - solid waste upgrade transfer station - Jacona	\$750,000	all
Santa Fe County - RECC - addition to existing space (6,000sq/ft) and equipment	\$2,750,000	all
Santa Fe County - Renovate county buildings and old court house	\$15,000,000	all
Santa Fe County - Santa Fe Rail Trail	\$1,700,000	all
Santa Fe County - Santa Fe Regional Broadband Infrastructure - greater metro area	\$2,000,000	all
Santa Fe County - Santa Fe River - 8 mile trail (acquisition, trail construction, restoration)	\$29,000,000	all
Santa Fe County - Utilities-Automatic Controls System-Water Supply System	\$1,606,000	all
Santa Fe County - Senior Center - Hwy 14 Senior / Community Center	\$2,500,000	all
Santa Fe County - Senior Services - 2 handicap accessible vans	\$100,000	all
Santa Fe County - Sheriff - equipment	\$100,000	all
Santa Fe County - Sheriff - vehicle replacement - \$600,000/yr x 5 yrs	\$3,000,000	all
Santa Fe County - South Meadows open space (22 acres)	\$440,000	all
Santa Fe County - Thornton Ranch open space	\$700,000	all
Santa Fe County - transmission line for CCD area tank	\$400,000	all
Santa Fe County - Updated orthophotography - Countywide	\$385,000	all
Santa Fe County - Utilities - La Tierra Interconnect	\$545,000	all
Santa Fe County - Utilities - Aquifer Storage	\$4,000,000	all
Santa Fe County - Quill Wastewater Treatment - Sludge Disposal Facilities - Study	\$100,000	all
Santa Fe County - Utilities - Quill Plant Aeration Basin Liner repair	\$833,000	all
Santa Fe County - Utilities - Vista Aurora / Lopez Lane - sewer line upgrade	\$640,000	all

Continued from previous page: Countywide/County Facility Projects

<i>Project Description</i>	<i>Estimated</i>	<i>Commission</i>
Santa Fe County - Utilities - Valle Vista AC waterline replacement	\$535,000	all
Santa Fe County - Utilities - Water System Improvements (e.g. La Vida/ Sierra Azul - Water Main)	\$600,000	all
Santa Fe County - Utilities - Quill Plant Effluent Polishing Lagoon Liner (State Pen)	\$400,000	all
Santa Fe County - Utilities - Control / Instrumentation - (Quill Plant)	\$100,000	all
Santa Fe County - Utilities - Office / equipment storage - (Quill Plant)	\$650,000	all
Santa Fe County - Utilities - Quill Plant Improvements-Primary Treatment/Sludge	\$1,400,000	all
Santa Fe County - Utilities - Turquoise Hill (State Pen) Water Reservoir	\$1,500,000	all
Santa Fe County - Utilities - Old Agua Fria/Old Santa Fe Trail Water Transmission Line Extension	\$1,528,000	all
Santa Fe County - Valle Vista Water System Improvements (e.g. AC Line Replcmnt.)	\$1,500,000	all
All Projects - Countywide and County facilities	\$119,032,000	
Total: All Requests - FY 2012	\$223,103,697	

Santa Fe County FY 2013 - 2017 Infrastructure and Capital Improvements Plan (ICIP)

List of Potential Projects for Consideration for ICIP Top Five Ranking

Project Description	Commission District	Estimated Project Cost	Minimum Cost 1st Phase	Project Ready	Public Welfare	Survey	Leverage	No Other Funds	Community
Pojoaque Valley Regional Wastewater System - interconnection to non-tribal areas	1	\$1,500,000	\$1,500,000	✓	✓	✓	✓		✓
CR 98 - Construction	1	\$1,550,000	\$1,550,000	✓	✓	✓		✓	✓
Agua Fria Park	2	\$1,000,000	\$100,000	✓		✓	✓	✓	✓
Camino La Tierra - Chip Seal/Slurry Seal	2	\$750,000	\$750,000	✓	✓	✓		✓	✓
Stanely Youth Agricultural and Wellness Center	3	\$2,500,000	\$1,000,000	✓	✓	✓		✓	✓
La Bajada - Storage tank and well improvements	3	\$250,000	\$250,000	✓	✓	✓		✓	✓
Glorieta Estates MDWCA - water line and new well	4	\$1,595,000	\$1,595,000	✓	✓	✓		✓	✓
County Road 60 - road improvements-repair	4	\$396,631	\$396,631	✓	✓	✓		✓	✓
Eldorado Water and Sanitation District - water storage tank upgrades	5	\$300,000	\$300,000	✓		✓	✓	✓	✓
Herrada Road - asphalt surface (1.91 mi.)	5	\$788,700	\$788,700	✓	✓	✓			✓
Santa Fe County Corrections Facilities Improvements	countywide	\$8,200,000	\$1,500,000	✓	✓		✓	✓	
Santa Fe County RECC (911 center) Facility Expansion and Equipment	countywide	\$2,750,000	\$275,000	✓	✓	✓	✓	✓	
Santa Fe County Public Housing Sites Improvements	countywide	\$1,500,000	\$500,000	✓	✓		✓	✓	
Santa Fe County - Public Works - equipment (water trucks, graders, loaders, backhoes, dump trucks)	countywide	\$3,500,000	\$1,000,000	✓	✓	✓		✓	
Santa Fe County - Fire - countywide self contained breathing apparatus/personal protection equip/defib replacement	countywide	\$3,000,000	\$1,000,000	✓	✓	✓	✓	✓	

Notes: The following is a brief description of the criteria listed in the matrix above

Project Ready - Project has a potential for immediate implementation of a substantial phase if funds are available.

Public Welfare - meets a public health, safety and or welfare need.

Survey - The project is consistent with results of June 2010 public survey of County residents regarding services, specifically: roads/road maintenance, public safety services, water and wastewater services, senior services, youth/recreation services.

Leverage - Project helps to leverage existing county investments or existing funding available

No Other Funds - Project is not likely to be funded through other readily available sources.

Community - Project was solicited with community request or other source outside of County.

SUGGESTED AMENDMENT TO THE
SECOND AMENDED AND RESTATED
JOINT POWERS AGREEMENT CONCERNING
THE OPERATION OF THE SANTA FE REGIONAL EMERGENCY
COMMUNICATIONS CENTER ("RECC")

SECTION ONE. Article II(C)(6) ("Board of Directors, Duties and Responsibilities") shall be and hereby is amended to provide as follows:

6. The Board of Directors shall review and approve any proposed capital expenditure for the RECC on an annual basis, which shall be submitted to the City, the Town and the County prior to March 1 as a supplement to the proposed annual operating budget. Capital expenditures are expenditures of \$5,000 or more (including delivery, installation, and other related costs) for equipment, machinery, software, software maintenance and licensing, or vehicles, that are depreciable under the Internal Revenue Code and Regulations.

- OPTION ONE -

SECTION TWO. Article IV(B)(1) ("Financial Matters, Financial Responsibilities of the City, Town and County") shall be and hereby is amended to provide as follows:

1. Until June 30, 2012, the County shall provide all funds needed for day-to-day operation of the RECC. Beginning July 1, 2012 and henceforth, the funds needed for day-to-day operation of the RECC (less amounts contributed by the Town, as set forth below) shall be contributed by the City and the County based on respective call volume, phased in as set forth in the following sentences. Beginning July 1, 2012, the City shall contribute to the day-to-day operation of the RECC in an amount equal to 20% of the total costs of the day-to-day operations of the RECC, multiplied by a factor established by the ratio between the City's total call volume in the previous fiscal year and the City and County call volume combined in that fiscal year (e.g., if the City's total call volume handled through the RECC in FY 2011 is 65% of the volume of calls attributed to the City and County collectively, the City will contribute 20% of 65% of the operating budget of the RECC, or 13% of the operating budget in FY 2013). Beginning July 1, 2013, the City shall provide a contribution to the day-to-day operation of the RECC equal to 40% of the specified ratio, and so on, until after five years, the City shall contribute to the operating budget in the amount of 100% of the ratio of the City's call volume to the City and County call volume collectively. Until five years have elapsed, the County will contribute the remainder of the funds needed for day-to-

day operation of the RECC, less the contribution of the Town, as set forth below, and the contribution of the City, as set forth herein.

- OPTION TWO -

SECTION TWO. Article IV(B)(1) ("Financial Matters, Financial Responsibilities of the City, Town and County") shall be and hereby is amended to provide as follows:

1. Until June 30, 2012, the County shall provide all funds needed for day-to-day operation of the RECC. Beginning July 1, 2012 and henceforth, the County shall contribute 25% or \$1,000,000, whichever is greater [less], of the funds needed for day-to-day operation of the RECC. The remainder of the funds need for day-to-day operation of the RECC (less amounts contributed by the Town, as set forth below) shall be provided as set forth in the following sentences. Beginning July 1, 2012, the remaining funds needed for day-to-day operation of the RECC shall be contributed by the City and the County based on call volume, phased in as set forth in the following sentences. Beginning July 1, 2012, the City shall provide a contribution to the remainder of the costs of day-to-day operation of the RECC in an amount equal to 20% of the total costs of the day-to-day operations of the RECC, multiplied by a factor established by the ratio between the City's total call volume in the previous fiscal year and the City and County call volume combined in that fiscal year (e.g., if the City's total call volume in FY 2011 is 65% of the volume of calls attributed to the City and County collectively, the City will contribute 20% of 65% of the remainder of the operating budget of the RECC, or 13% of the remainder of the operating budget in FY 2013). Beginning July 1, 2013, the City shall provide a contribution to the remainder of the costs of day-to-day operation of the RECC equal to 40%, and so on, until after five years, the City shall contribute to the remainder of the operating budget in the amount of 100% of the City's call volume. Until five years have elapsed, the County will contribute the remainder of the funds needed for day-to-day operation of the RECC, less the contribution of the Town, as set forth below, and the contribution of the City, as set forth herein.

SECTION THREE. Article III(A)(2)("Organization of the RECC, The Director") shall be and hereby is amended to with the addition of the following additional sentences:

2. The Director shall be an employee of the County until July 1, 2016, when the Director shall become an employee of the RECC. Until July 1, 2016, the Director shall remain an employee of the County.

SECTION FOUR. Article III(B)(2)("Organization of the RECC, RECC Employees/Transition to County Employment") shall be and hereby is amended with the addition of the following additional paragraph:

4. On July 1, 2016, RECC employees shall become employees of the RECC, subject to the personnel rules and any applicable collective bargaining agreements subsequently entered into by the RECC, and subject to the policies and standard operating procedures of the RECC. On July 1, 2016, subparagraphs 1, 2 and 3 of this Section shall be rescinded.

Property Tax Rate Comparison of 2011 Rates to 2010 Rates – All Entities

Residential in the City of Santa Fe:

	2011	2010	Difference
State Debt	1.362	1.530	(.168)
County Operational	4.891	4.697	.194
County Debt	<u>1.851</u>	<u>1.873</u>	<u>(.022)</u>
Total County	6.742	6.570	.172
Municipal Operational	1.135	1.093	.042
Municipal Debt	<u>0.743</u>	<u>0.679</u>	<u>.064</u>
Total Municipal	1.878	1.772	.106
All School Districts	7.12	7.04	.080
SFCC	2.299	2.205	.094
SFCC Bldg. Levy	<u>1.015</u>	<u>1.015</u>	<u>.000</u>
Total SFCC	3.314	3.220	.094
GRAND TOTAL	20.416	20.132	.284

Non-Residential rates in the City of Santa Fe:

	2011	2010	Difference
State Debt	1.362	1.530	(.168)
County Operational	11.85	11.85	.000
County Debt	<u>1.851</u>	<u>1.873</u>	<u>(.022)</u>
Total County	13.701	13.723	(.022)
Municipal Operational	2.817	2.568	.249
Municipal Debt	<u>0.743</u>	<u>0.679</u>	<u>.064</u>
Total Municipal	3.560	3.247	.313
All School Districts	7.485	7.350	.135
SFCC	3.000	3.000	.000
SFCC Bldg. Levy	<u>1.015</u>	<u>1.015</u>	<u>.000</u>
Total SFCC	4.015	4.015	.000
GRAND TOTAL	30.123	29.865	.258

Other than City of SF Rates in Total are:

County Out R	18.538	18.360	.178
County Out NR	26.563	26.618	(.055)
1-R	19.858	20.663	(.805)
1-NR	27.113	28.085	(.972)
8T-R	19.271	19.226	.045
8T-NR	26.399	26.536	(.137)
Espanola In R	17.017	16.937	.08
Espanola In NR	24.669	24.964	(.295)
Espanola Out R	13.808	13.875	(.067)
Espanola Out NR	20.785	21.048	(.263)
Edgewood R	19.271	19.226	.045
Edgewood NR	26.399	26.536	(.137)

CERTIFICATE OF PROPERTY TAX RATES IN MILLS
 SANTA FE COUNTY
 TAX YEAR 2011
 NET TAXABLE VALUE:

		\$6,784,438,899								
MUNICIPALITY:		Santa Fe		Santa Fe						Espanola
TAXABLE VALUE:		2,654,468,968	965,822,483	2,143,789,176	491,265,632	130,604,284	47,431,256	112,340,343	32,280,107	30,465,993
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		1.362	1.362	1.362	1.362	1.362	1.362	1.362	1.362	1.362
	Total State	1.362	1.362	1.362	1.362	1.362	1.362	1.362	1.362	1.362
County Operational		4.891	11.850	4.891	11.850	4.891	11.850	4.891	11.850	4.891
County Debt Service		1.851	1.851	1.851	1.851	1.851	1.851	1.851	1.851	1.851
	Total County	6.742	13.701	6.742	13.701	6.742	13.701	6.742	13.701	6.742
Municipal Operational		1.135	2.817	0.000	0.000	0.000	0.000	0.000	0.000	3.209
Municipal Debt Service		0.743	0.743	0.000	0.000	0.000	0.000	0.000	0.000	0.000
	Total Municipal	1.878	3.560	0.000	0.000	0.000	0.000	0.000	0.000	3.209
School Dist. Operational		0.125	0.490	0.125	0.490	0.174	0.470	0.355 (2)	0.500 (2)	0.168 (3)
School Dist. Debt Service		3.495	3.495	3.495	3.495	9.580	9.580	8.836 (2)	8.836 (2)	4.830 (3)
School Dist. Cap. Improve.		2.000	2.000	2.000	2.000	2.000	2.000	1.976 (2)	2.000 (2)	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)
School Dist. Educ. Tech. Debt Service		0.000	0.000	0.000	0.000	0.000	0.000	0.000 (2)	0.000 (2)	0.706 (3)
	Total School District	7.120	7.485	7.120	7.485	11.754	12.050	11.167	11.336	5.704
Total State, County, Municipal, & School Dist.		17.102	26.108	15.224	22.548	19.858	27.113	19.271	26.399	17.017
Other:										
Santa Fe Comm.Col.(1)		2.299	3.000	2.299	3.000	0.000	0.000	0.000	0.000	0.000
Santa Fe Col.Bldg.Levy (1)		1.015	1.015	1.015	1.015	0.000	0.000	0.000	0.000	0.000
	Total Other	3.314	4.015	3.314	4.015	0.000	0.000	0.000	0.000	0.000
	GRAND TOTAL	20.416	30.123	18.538	26.563	19.858	27.113	19.271	26.399	17.017
Where Applicable:										
Cattle Indemnity	10.000	Edgewood SWCD		Res	1.000	Non-Res	1.000	(1) To Santa Fe Com. College--P.O. Box 4187, Santa Fe, NM 87502		
Sheep and Goats	10.000							(2) To Moriarty Board of Education		
Dairy Cattle	5.000	Rancho Viejo Sp. Assmt Dist Debt		10.00				(3) To Espanola Board of Education		
Bison/Camelids	10.000	El Dorado Area W&S Dist Oper:		0.949						
Horses/Asses/Mules	10.000	El Dorado Area W&S Dist Debt:		2.411						

CERTIFICATE OF PROPERTY TAX RATES IN MILLS
 SANTA FE COUNTY
 TAX YEAR 2011
 NET TAXABLE VALUE:

	\$6,784,438,899					
MUNICIPALITY:	Espanola			Edgewood	Edgewood	
TAXABLE VALUE:	16,807,353	47,784,382	20,044,351	61,628,333	29,706,238	
CATEGORY:	18 IN NR	18 OUT R	18 OUT NR	8T IN R	8T IN NR	
State Debt Service	1.362	1.362	1.362	1.362	1.362	
Total State	1.362	1.362	1.362	1.362	1.362	
County Operational	11.850	4.891	11.850	4.891	11.850	
County Debt Service	1.851	1.851	1.851	1.851	1.851	
Total County	13.701	6.742	13.701	6.742	13.701	
Municipal Operational	3.884	0.000	0.000	0.000	0.000	
Municipal Debt Service	0.000	0.000	0.000	0.000	0.000	
Total Municipal	3.884	0.000	0.000	0.000	0.000	
School Dist. Operational	0.186 (3)	0.168 (3)	0.186 (3)	0.355	0.500	
School Dist. Debt Service	4.830 (3)	4.830 (3)	4.830 (3)	8.836	8.836	
School Dist. Cap. Improve.	0.000 (3)	0.000 (3)	0.000 (3)	1.976	2.000	
HB33 School Building	0.000 (3)	0.000 (3)	0.000 (3)	0.000	0.000	
School Dist. Educ. Tech. Debt Service	0.706 (3)	0.706 (3)	0.706 (3)	0.000	0.000	
Total School District	5.722	5.704	5.722	11.167	11.336	
Total State, County, Municipal, & School Dist.	24.669	13.808	20.785	19.271	26.399	
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	24.669	13.808	20.785	19.271	26.399	

Where Applicable:

Cattle Indemnity	10.000
Sheep and Goats	10.000
Dairy Cattle	5.000
Bison/Camelids	10.000
Horses/Asses/Mules	10.000

Santa Fe County Assessor's Office

Tax Rate Comparison: 2010 vs. 2011

TAXES ON TOTAL VALUE OF \$ 100,000 WITHOUT EXEMPTIONS

$$\$ 100,000 / 3 = \$ 33,333 \quad \times \quad \text{APPLICABLE TAX RATE} = \text{TAXES DUE}$$

DISTRICT Label	RES/ NON-RES	Geographic Area/ School District	2010 TAX RATE	2010 TAXES	2011 TAX RATE	2011 TAXES	AMOUNT OF CHANGE (dollars)	% CHANGE
City-In	residential	City Santa Fe / Santa Fe	0.020132	\$ 671.07	0.020416	\$ 680.53	\$ 9.47	1.41%
City-In	non-res.	City Santa Fe / Santa Fe	0.029865	\$ 995.50	0.030123	\$ 1,004.10	\$ 8.60	0.86%
City-Out	residential	Outside SF/ Santa Fe	0.018360	\$ 612.00	0.018538	\$ 617.93	\$ 5.93	0.97%
City-Out	non-res.	Outside SF/ Santa Fe	0.026618	\$ 887.27	0.026563	\$ 885.43	\$ (1.83)	-0.21%
1	residential	Pojoaque/ Pojoaque	0.020663	\$ 688.77	0.019858	\$ 661.93	\$ (26.83)	-3.90%
1	non-res.	Pojoaque/ Pojoaque	0.028085	\$ 936.17	0.027113	\$ 903.77	\$ (32.40)	-3.46%
08T-In	residential	Edgewood/ Moriarity	0.019226	\$ 640.87	0.019271	\$ 642.37	\$ 1.50	0.23%
08T-In	non-res.	Edgewood/ Moriarity	0.026536	\$ 884.53	0.026399	\$ 879.97	\$ (4.57)	-0.52%
08T-Out	residential	Outside Edgew/ Moriarity	0.019226	\$ 640.87	0.019271	\$ 642.37	\$ 1.50	0.23%
08T-Out	non-res.	Outside Edgew/ Moriarity	0.026536	\$ 884.53	0.026399	\$ 879.97	\$ (4.57)	-0.52%
18-IN	residential	City Espanola/ Espanola	0.016937	\$ 564.57	0.017017	\$ 567.23	\$ 2.67	0.47%
18-IN	non-res.	City Espanola/ Espanola	0.024964	\$ 832.13	0.024669	\$ 822.30	\$ (9.83)	-1.18%
18-OUT	residential	Espanola-out	0.013875	\$ 462.50	0.013808	\$ 460.27	\$ (2.23)	-0.48%
18-OUT	non-res.	Espanola-out	0.021048	\$ 701.60	0.020785	\$ 692.83	\$ (8.77)	-1.25%
El Dorado Area W&S District Rates			2010		2011			
	(Operational)		0.000949	\$31.63	0.000949	\$31.63	\$0.00	0.00%
	(Debt)		0.002411	\$80.37	0.002411	\$80.37	\$0.00	0.00%
Rancho Viejo Special Assmnt. District Rates			2010		2011			
	(Debt)		0.010000	\$333.33	0.010000	\$333.33	\$0.00	0.00%
Edgewood SWCD Rates			2010		2011			
	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%

Shelly Cobau

From: Stephen C. Ross
Sent: Monday, September 12, 2011 5:14 PM
To: Shelly Cobau
Subject: FW: La Pradera and Commission Meeting on September 13, 2011

-----Original Message-----

From: Daniel Mayfield
Sent: Monday, September 12, 2011 5:09 PM
To: Stephen C. Ross
Subject: FW: La Pradera and Commission Meeting on September 13, 2011

FYI

From: michael A hendrick [hendrick@uga.edu]
Sent: Monday, September 12, 2011 4:42 PM
To: Daniel Mayfield; Virginia Vigil; Robert A. Anaya; Kathy S. Holian; Liz Stefanics
Subject: La Pradera and Commission Meeting on September 13, 2011

Dear Commissioners:

I am a La Pradera resident living at 103 Bosquecillo in the La Pradera subdivision of Santa Fe County, and I am writing in support of the La Pradera developers' request to increase housing density in that subdivision. Below is a copy of my earlier letter to you on the same issue. In addition to the points made in it, let me add that the plans of the developers are far preferable to what may happen in our area (including the now defunct O'Shara subdivision) if a developer like Centex should replace the current developers in the future. What Alexis Greer and John McCarthy are now building in La Pradera 2-6 is preferable in every way. Development south of I-25 is inevitable, and well designed, modestly priced housing is what is needed in the county at the present moment. The Greer-McCarthy proposal provides this. Thank you your attention in this matter.

Sincerely,
Michael A. Hendrick
706-202-6557

June 15, 2011

Dear Commissioners:

I live at 103 Bosquecillo in the La Pradera subdivision in Santa Fe County, and I am writing you concerning the developers of La Pradera's request to increase density in La Pradera 1 and also in La Pradera 2-6. The former is an established section of the development, and the latter is a later phase. The developers seek to expand both.

I favor the developers' plans to increase density in both phases. I understand the concerns of residents and neighbors that the proposed homes will be smaller and of lesser value than properties already built, including mine. However, the developers have modified their original La Pradera 1 plans several times in the last week to reduce density (four fewer new houses, a reduction of 21 to 17), to increase lot size of six of the remaining 17 houses, and to create a greenspace buffer between the proposed homes and the property of the resident closest to these who is most concerned. La Pradera 1 currently has many unsold, empty lots and a number of homes up for sale, including some taken over by banks. I believe property values will be enhanced if more families move into La Pradera, and the development shows more signs of activity and becomes a real community.

La Pradera 2-6 abuts Vista Ocaso, a nearby community to the south with a minimum lot size of 2.5 acres and homes in the 3,000 to 4,000+ square foot range, some of which are horse properties. A number of the Vista Ocaso residents are vocal in their opposition to any

increase in density in La Pradera 1-6. This is understandable. However, most of them bought 10-15 years ago and are shielded from the recent real estate debacle unlike many La Pradera homeowners. Further, little of La Pradera is visible from most Vista Ocaso homes. In fact, they are more visually threatened from new construction at Rancho Viejo directly south of them. Much of their concern is of a "not in my backyard" nature. Having lived over 40 years in the Deep South, I am familiar with these fears, but I do not share them.

Residents of La Pradera and neighbors in Vista Ocaso voice concerns about lowered property values if density is increased. Homes bought three to four years ago have dropped in value anywhere from 30-40%, but this has nothing to do with the developers' recent request. For example, I bought my property for 535,000 three years ago, and the county last appraised it at 365,000. I believe the major bleeding is nearly over and accelerated reappreciation is more likely if La Pradera is perceived as vibrant and alive, unlike, for example, the now bankrupt, semi-deserted Oshara a nearby development. More residents can make that happen despite smaller homes and lot sizes. We are more likely to get these new residents with homes at the price points proposed by the developers in their pending request.

Thank you for the opportunity to share my thoughts in this difficult matter.

Sincerely,

Michael A. Hendrick

103 Bosquecillo

Santa Fe, NM 87508

706-202-6557

hendrick@uga.edu

SFC CLERK RECORDED 10/26/2011

Shelly Cobau

From: Stephen C. Ross
Sent: Tuesday, September 13, 2011 2:02 PM
To: Shelly Cobau
Subject: FW: La Pradera and Commission Meeting on September 13, 2011

Sent from my Verizon Wireless Phone

From: Liz Stefanics <lstefanics@co.santa-fe.nm.us>
Sent: Tuesday, September 13, 2011 1:52 PM
To: Shelly Cobau <scobau@co.santa-fe.nm.us>; Jack Kolkmeier <jkolkmey@co.santa-fe.nm.us>; Stephen C. Ross <ross@co.santa-fe.nm.us>
Subject: FW: La Pradera and Commission Meeting on September 13, 2011

Thanks,

Liz Stefanics

Julia Valdez - Constituent Services Liaison

From: michael A hendrick [mailto:hendrick@uga.edu]
Sent: Monday, September 12, 2011 4:43 PM
To: Daniel Mayfield; Virginia Vigil; Robert A. Anaya; Kathy S. Holian; Liz Stefanics
Subject: La Pradera and Commission Meeting on September 13, 2011

Dear Commissioners:

I am a La Pradera resident living at 103 Bosquecillo in the La Pradera subdivision of Santa Fe County, and I am writing in support of the La Pradera developers' request to increase housing density in that subdivision. Below is a copy of my earlier letter to you on the same issue. In addition to the points made in it, let me add that the plans of the developers are far preferable to what may happen in our area (including the now defunct O'Shara subdivision) if a developer like Centex should replace the current developers in the future. What Alexis Greer and John McCarthy are now building in La Pradera 2-6 is preferable in every way. Development south of I-25 is inevitable, and well designed, modestly priced housing is what is needed in the county at the present moment. The Greer-McCarthy proposal provides this. Thank you your attention in this matter.

Sincerely,

Michael A. Hendrick

706-202-6557

SFC CLERK RECEIVED 10/6/2011

June 15, 2011

Dear Commissioners:

I live at 103 Bosquecillo in the La Pradera subdivision in Santa Fe County, and I am writing you concerning the developers of La Pradera's request to increase density in La Pradera 1 and also in La Pradera 2-6. The former is an established section of the development, and the latter is a later phase. The developers seek to expand both.

I favor the developers' plans to increase density in both phases. I understand the concerns of residents and neighbors that the proposed homes will be smaller and of lesser value than properties already built, including mine. However, the developers have modified their original La Pradera 1 plans several times in the last week to reduce density (four fewer new houses, a reduction of 21 to 17), to increase lot size of six of the remaining 17 houses, and to create a greenspace buffer between the proposed homes and the property of the resident closest to these who is most concerned. La Pradera 1 currently has many unsold, empty lots and a number of homes up for sale, including some taken over by banks. I believe property values will be enhanced if more families move into La Pradera, and the development shows more signs of activity and becomes a real community.

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Residents of La Pradera and neighbors in Vista Ocaso voice concerns about lowered property values if density is increased. Homes bought three to four years ago have dropped in value anywhere from 30-40%, but this has nothing to do with the developers' recent request. For example, I bought my property for 535,000 three years ago, and the county last appraised it at 365,000. I believe the major bleeding is nearly over and accelerated reappreciation is more likely if La Pradera is perceived as vibrant and alive, unlike, for example, the now bankrupt, semi-deserted Oshara a nearby development. More residents can make that happen despite smaller homes and lot sizes. We are more likely to get these new residents with homes at the price points proposed by the developers in their pending request.

Thank you for the opportunity to share my thoughts in this difficult matter.

Sincerely,

SFC CLERK RECORDED 10/26/2011

Michael A. Hendrick

103 Bosquecillo

Santa Fe, NM 87508

706-202-6557

hendrick@uga.edu

SFC CLERK RECORDED 10/26/2011

Shelly Cobau

From: Stephen C. Ross
Sent: Monday, September 12, 2011 5:08 PM
To: Shelly Cobau
Subject: FW: La Pradera CDRC case # Z/S 02-4325

From: Liz Stefanics
Sent: Monday, September 12, 2011 3:02 PM
To: Shelly Cobau; Jack Kolkmeier; Stephen C. Ross
Subject: FW: La Pradera CDRC case # Z/S 02-4325

Thanks,

Liz Stefanics

Julia Valdez - Constituent Services Liaison

From: GABron@aol.com [mailto:GABron@aol.com]
Sent: Thursday, September 08, 2011 11:11 AM
To: mulachulasf@aol.com; Rita B. Maes; Liz Stefanics; Julia Valdez; Tina Salazar; Daniel Mayfield; Juan R. Rios; Virginia Vigil; Kathy S. Holian; Christopher M. Barela; Robert A. Anaya; chris@chrisgraeser.com
Subject: Re: La Pradera CDRC case # Z/S 02-4325

Dear Honorable Commissioner,

I am adamantly opposed to the planned increase of lots in La Pradera. We, in good faith, negotiated and agreed to a development plan with La Pradera's owners/developers in 2005 and I believe they should be held to that plan now. Our negotiations were not contingent on the economy or any other variable. The density is already four times that which would have been allowed under the prior EZA rules. I think this more than complies with the ideals set forth in the Community College Development Plan. In addition, it in no way limits the sales of the developers as they currently have sold only 97 of the 238 lots in the development. Why do they need more inventory of undeveloped lots to add to the glut of undeveloped lots in the district. Between Oshara and the vast wasteland on the south side of Rancho Viejo we have enough undeveloped lots to last for years to come.

The utilities infrastructure was installed based on the agreed upon 158 units in phases 2-6. Instead of properly excavating the existing utilities, the developer now wants to split the existing 3/4 inch water service lines to serve two lots/meters instead of one. This kind of sub-standard construction would not be allowed under the city water ordinances and codes, but since Santa Fe County does not currently have any written standards it is all left up to the discretion of the current Utilities Director, Patricio Guerrero-Ortiz. This presents a definite conflict of interest as Mr. Guerrero-Ortiz was one of the original engineers for this development and his wife Oralinda Guerrero-Ortiz is still currently involved. If a separate service line is not installed on each of these new planned lots they will not have the water pressure necessary to operate properly. There has also been some discussion as to whether or not Santa Fe County should bear the cost of this construction as they are providing the water. There has also been stories in the press this week revealing the shoddy construction by the primary builder in La Pradera, Joe Boyden. This only further illustrates the degradation of our neighborhood by the developers of La Pradera

Please do not capitulate to the whines of land speculators at the cost of the existing taxpayers. We built our homes to live in, not to flip and fill our bank accounts. Santa Fe is portrayed to the public based on a certain lifestyle and standard that we are rapidly losing because of the greed and avarice of people trying to make a quick buck. Trying to cram 27 more

lots into this limited space with sub-standard utilities and construction under the most likely flawed thinking that this is going to save the developers financially is just plain wrong.

Respectfully,

Aдриene Simpson

SFC CLERK RECORDED 10/26/2011

Shelly Cobau

From: Stephen C. Ross
Sent: Monday, September 12, 2011 5:08 PM
To: Shelly Cobau
Subject: FW: La Pradera CDRC case # Z/S 02-4325

From: Liz Stefanics
Sent: Monday, September 12, 2011 3:02 PM
To: Shelly Cobau; Jack Kolkmeier; Stephen C. Ross
Subject: FW: La Pradera CDRC case # Z/S 02-4325

Thanks,

Liz Stefanics

Julia Valdez - Constituent Services Liaison

From: mulachulasf@aol.com [mailto:mulachulasf@aol.com]
Sent: Thursday, September 08, 2011 6:17 AM
To: Rita B. Maes; Liz Stefanics; Julia Valdez; Tina Salazar; Daniel Mayfield; Juan R. Rios; Virginia Vigil; Kathy S. Holian; Christopher M. Barela; Robert A. Anaya
Subject: La Pradera CDRC case # Z/S 02-4325

Dear Honorable Commissioner;

I oppose the increase of 27 new lots using lot line adjustments in phases 2-6 of La Pradera. The homes that are being built are not comparable to the existing neighborhoods of Vista Ocaso, Churchill Estates, and La Pradera phase 1. The devaluation of our existing neighborhoods is not fair to us. La Pradera has had numerous issues with its waste water facility and the dumping and storage of asphalt waste for years. We have tolerated these unsightly issues for years. Now La Pradera is building unsightly homes, which will change the feel of our area forever. The builder Joe Boyden who is building the homes is in the news, for his shoddy workmanship, see the link below;
<http://eastmountains.kob.com/news/news/92740-east-mtn-homeowners-concerned-over-shoddy-workmanship>

The neighborhoods of Vista Ocaso and Churchill Estates had numerous negotiations with the developers of La Pradera from 2003-2005. Vista Ocaso and La Pradera negotiated for 6 months and the original density was reduced, and was agreed upon. The residents of Vista Ocaso should not have to fight the same fight again. We have an agreement, and I believe that agreement should be upheld.

Please take our existing neighborhoods into consideration.

I cannot come to the hearing, on Sept 13, I am having neck surgery on Sept 12, and will be in the hospital that day.

thank you for your consideration,

Lisa Burns
11 Las Caballeras
Santa Fe NM 87508
505-438-6068

SFC CLERK RECORDED 10/26/2011

**JOHN J. MCCARTHY
INVESTMENTS**

825 Allendale
Santa Fe, NM 87505
(505) 988-2189
Fax (505) 988-2258

April 2, 2005
Vista Ocaso Neighborhood Committee

Dear Committee Members,

We would again like to thank the committee for the many conversations and meetings.

As much as we would like to have the active support of the Vista Ocaso Neighborhood Association, we respectfully decline your suggestion that we increase the setback to 300 feet on the Berridge Property. The configuration of the site, the highway corridor setback and the low-build provisions of the Fringe Area preclude the relocation of those lots.

Please remember that after your first request to reduce density, we eliminated 43 lots from the plan and re-oriented the road access. If we were to increase the setback as requested, we would lose an additional eight lots. As the proposed setbacks already substantially exceed the minimum required setback of 50 feet, and the fact that we have already substantially reduced density, we feel that we have complied with the intent of the Community College District requirements and have been considerate of you as your neighbor.

After further review of the cul-de-sac concept for the north-south portion of Dinosaur Trail we concluded that it would neither be good traffic planning nor in compliance with the provisions and intent of the Community College plan to do so. Further, The proposed school bus turnaround would be much less accessible with the cul-de-sac.

We will provide you with a conceptual landscape plan and seven copies of the Master Plan Amendment when it is completed and well before the hearing.

Again, the following list of items represent the revised areas of agreement in principle to be incorporated into the La Pradera Phase II-VI Master Plan Amendment:


1. We will reorient the primary road access along the Highway Corridor. (see attached site plan)
2. We will install traffic calming devices in Phases II-VI, similar in design to those on Governor Miles Road, on the roads that directly access Vista Ocaso. (See attached

- plan)
3. We will bring the road between Vista Ocaso and La Pradera to minimum County paved standards.
 4. We will incorporate a 125 to 300 foot setback along that portion of Dinosaur Trail between Vista Ocaso and La Pradera, as measured from the north edge of the existing road. (see attached plan)
 5. We will install trails and streetscapes in the subject setback. We will also petition the county for permission to use potable water for early irrigation of the subject landscape.
 6. We will lower the number of lots in Phases II-VI from 201 to 158. The configuration and location of the lots may change because of the approval process. Our intent is to have the larger lots along our common road.
 7. The La Pradera Phase II-VI covenants will be similar to the to establish standards for fence design, location and materials contained in the recorded La Pradera Phase I covenants.
 8. We will ensure that appropriate safeguards are in place for the wastewater treatment system in accordance with New Mexico Environment Department and Santa Fe County regulations.
 9. Fifteen percent of the approved 158 lots will be identified for the Santa Fe County Affordable Housing program. These lots will be scattered throughout and integrated into the overall development.

The above items are subject to approval of and modification by the appropriate governing bodies with jurisdiction.

We plan to make a submittal to the County by April 11th reflecting the above items with an expected EZC hearing date of May 12th.

Respectfully,



John J McCarthy
Managing Member
Gardner Associates, LLC

DECLARATION OF PROTECTIVE COVENANTS FOR
LA PRADERA

THIS DECLARATION is made this 22nd day of August, 2004, by Gardner Associates, LLC, a New Mexico limited liability company (hereinafter referred to as "Declarant").

WHEREAS, Declarant is the owner of certain real estate in Santa Fe County, New Mexico, more particularly described in Exhibit A attached hereto ("La Pradera"), and desires to impose the provisions of this Declaration on and subject to all of La Pradera to the covenants, hereinafter stated, including easements, for the purpose of protecting the value and standards of said real estate, the terms of which Declaration shall run with the land and be binding upon and inure to the benefit of all parties having any right, title or interest in or to La Pradera, or any part thereof, and their heirs, successors and assigns.

NOW, THEREFORE, Declarant hereby declares that La Pradera shall be subject to the following covenants, conditions and restrictions:

ARTICLE 1
DEFINITIONS

1.1. Terms. Wherever used herein, the following terms shall have the following meanings:

- (a) "Association" means the La Pradera Homeowners' Association;
- (b) "Board of Directors" or "Board" mean the board of directors of the Association;
- (c) "Commercial Lot" means each of the three (3) Lots designated on the Plat as commercial;
- (d) "Common Areas" means all land within La Pradera shown on the Plat, including Easements, which land is not designated as Lots;
- (e) "Condominium Unit" means a condominium dwelling unit constructed on the Duplex Lots or Commercial Lots;
- (f) "Declarant" means Gardner Associates, LLC and its successors and assigns if any such successor or assign agrees, by instrument recorded in the records of Santa Fe County, New Mexico, to act as and assume the duties of Declarant under this Declaration;
- (g) "Duplex Lots" means the three Lots designated on the Plat for duplex construction;
- (h) "Easements" means all real property designated on the Plat as roadways, streets and utility easements;

3.1.a: Lots 51-58 and 60 building envelopes are defined as shown on the development plan, and may not be altered without Santa Fe County Land Use Administrator approval.

3.2. No Subdivision. **No subdivision of any Lot shall be permitted.** Combinations of Lots shall be permitted subject to the prior approval of the County of Santa Fe and the execution and acknowledgment by the Owner of the Lots to be combined of an instrument specifying such combination and giving the metes and bounds description and Lot number of the newly created Lot. Such instrument shall be filed for record by the Owner in the real estate records of Santa Fe County, New Mexico before such combination is considered to have been completed hereunder.

3.3. Prohibited Structures. No modular homes, prefabricated structures or mobile homes may be placed on or kept at any building site. No temporary house, dwelling, garage, outbuilding, trailer or other structure shall be placed or erected upon La Pradera except as permitted by this Declaration.

3.4. Construction and Design of Structures. Any and all Structures including Residential Units, buildings and garages in La Pradera shall be pueblo, Northern New Mexico ranch style, or territorial style and shall be constructed in La Pradera in accordance with the following criteria:

(a) The color of all structures (other than permitted wooden fences) shall predominately be the browns and tans of local earth tones within La Pradera. "Chocolate" browns or white colors shall not be permitted as predominate colors. Stone surfaces shall be in their natural color and must be local earth tones. Entries and portals may be emphasized by the use of off-white (yeso) or other colors or materials permitted hereunder. Painting of the exterior of Structures with bold repetitive patterns is prohibited. No wooden exteriors of Structures other than trim or decking shall be permitted.

(b) No asphalt shingle or exterior wooden roofs shall be permitted.

(c) The exterior construction, including the final stucco color coat, paint, trim and landscaping shall be fully completed within one (1) year after commencement of construction.

(e) No residence placed or erected on La Pradera shall be occupied in any manner while in the course of construction or at any time prior to the time when the exterior is fully finished as herein required, and is fully functional for residential purposes.

(f) All masonry block Structures (including walls) and frame Structures shall be covered with waterproofing paper prior to lathing and plastering so as to conceal moisture "bleed-through" of masonry joint lines and sheathing joints.

3.5. Height Limitations. Limitations on height shall be governed by the EZO. Any building wall which exceeds eight (8) feet in height and twenty (20) feet in width shall be interrupted by a terrace, portal or like element of usable depth at finished grade, which element would serve to reduce the apparent size of such wall. To the extent permitted by the EZO or other

SFC CLERK RECORDED 10/26/2011